



भारत का राजपत्र

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सं. 13]

नई दिल्ली, मार्च 23—मार्च 29, 2008, शनिवार/चैत्र 3—चैत्र 9, 1930

No. 13]

NEW DELHI, MARCH 23—MARCH 29, 2008, SATURDAY/CHAITRA 3—CHAITRA 9, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 12 मार्च, 2008

का. आ. 652.—राष्ट्रपति, दिनांक 05-03-2008 से श्री वी. टी. गोपालन का मद्रास उच्च न्यायालय, चेन्नै में भारत के अपर महासालिसिटर के पद से त्यागपत्र स्वीकार करते हैं।

[फा.सं 18(4)/2008-न्यायिक]
एम.ए. खान यूसुफी, संयुक्त सचिव एवं सरकारी काउंसिल

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 12th March, 2008

S. O. 652.—The President is pleased to accept the resignation of Shri V.T. Gopalan, as Additional Solicitor General of India in the High Court of Madras at Chennai w.e.f. 05-03-2008.

[F. No. 18 (4)/2008-Judl.]

M.A. KHAN YUSIFI, Jt. Secy. & GC

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 17 मार्च, 2008

का. आ. 653.—केंद्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री गजानन यशवंत विंचुरकर, अधिवक्ता को विचारण न्यायालयों और अपोल/पुनरीक्षण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामला सं. आरसी. 5(एस)/2002-मुंबई में अभियोजन अधिकार महाराष्ट्र राज्य में विधि द्वारा स्थापित न्यायालयों, जिन पर पूर्वोक्त मामलों के उपबंध लागू होते हैं, में उक्त मामले से उद्भूत अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/36/2006-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 17th March, 2008

S. O. 653.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal

Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints Shri Gajanan Yashwant Vinchurkar, Advocate as Special Public Prosecutor for conducting prosecution in case RC.5(S)/2002-Mum. instituted by the Delhi Special Police Establishment in trial courts and appellate/revisional courts or any other matters arising out of the case in the courts established by law in the State of Maharashtra to which provisions of the aforesaid section apply.

[No. 225/36/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 18 मार्च, 2008

का. आ. 654.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री गजनन यशवंत विंचुरकर, अधिवक्ता को परीक्षण न्यायालयों और अपील/पुनरीक्षण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामला सं. आरसी. 4(एस)/2002-मुंबई में अभियोजन अथवा महाराष्ट्र राज्य में विधि द्वारा स्थापित न्यायालयों, जिन पर पूर्वोक्त मामलों के उपबंध लागू होते हैं, में उक्त मामले से उद्भूत अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/29/2006-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 18th March, 2008

S. O. 654.—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Gajanan Yashwant Vinchurkar, Advocate as Special Public Prosecutor for conducting prosecution in case RC.4(S)/2002-Mum. instituted by the Delhi Special Police Establishment in trial courts and appellate/revisional courts or any other matters arising out of the case in the courts established by law in the State of Maharashtra to which provisions of the aforesaid section apply.

[No. 225/29/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 18 मार्च, 2008

का. आ. 655.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सुश्री रूजुता वसंत प्रधाम, एड्जेसेन, मुंबई (श्री ए. एम. चिमालकर से कनिष्ठ) को मुंबई विधि माननीय विशेष न्यायालय (टोर्ट्स) में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित मामला आरसी 52(ए)/92-मुंबई में अभियोजन और पुनरीक्षण अथवा अपील न्यायालय अथवा किसी अन्य न्यायालय में इस मामले से संबंधित अथवा प्रासारिक अपीलों/पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/39/2007-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 18th March, 2008

S. O. 655.—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Ms. Rujuta Vasant Pradhan, Advocate, Mumbai (Junior to Shri A.M. Chimalkar) as Special Public Prosecutor for conducting prosecution in case RC 52(A)/92-BOM instituted by the Delhi Special Police Establishment (CBI) in the Hon'ble Special Court (Torts) at Mumbai and appeals/revisions or other matters connected therewith or incidental thereto, in the Appellate Court of Revision or in any other court.

[No. 225/39/2007-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 18 मार्च, 2008

का. आ. 656.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री वी.वी. पारिख, अधिवक्ता को माननीय विशेष न्यायाधीश के न्यायालय, नासिक में दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थित मामला आरसी. 8/ई/2001-बीएस एंड एफसी/मुंबई के अभियोजन और विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इस मामले से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/17/2007-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 18th March, 2008

S. O. 656.—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri V.V. Parekh Advocate as Special Public Prosecutor for conducting prosecution of case RC8/E/2001-BS & FC/Mumbai instituted by Delhi Special Police Establishment (CBI) in the Court of Hon'ble Special Judge for CBI Cases at Nasik and appeals/revisions or other matter arising out of this case in revisional or appellate court established by law.

[No. 225/17/2007-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 18 मार्च, 2008

का. आ. 657.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को महाराष्ट्र राज्य में विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थित और केंद्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों के अभियोजन और विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों

अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती हैं :—

सर्वश्री

1. संदीप विजय तम्हाने,
2. उदय शंकरराव देशमुख,
3. विनोद प्रह्लादराव फाटे,
4. सुभाष सोनाजी काटे,
5. शदरचन्द्र,
6. जयंत एकनाथराव सालवे,
7. रुतुराज चन्द्रशेखर पाटिल,
8. दिलीप बी. अडवेंट,
9. कुमारी बीना,
10. रविशेखर बापूरावजी बांडनोरे,
11. जी.सी. कटारिया।

[सं. 225/4/2007 एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 18th March, 2008

S.O. 657.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting prosecution of cases instituted by Delhi Special Police Establishment (CB1) in the State of Maharashtra as entrusted to them by the Central Bureau of Investigation in the trial courts and appeals/revisions or other matter arising out of these cases in revisional or appellate courts established by law :—

S/Shri

1. Sandip Vijay Tamhane,
2. Uday Shankarrao Deshmukh,
3. Vinod Pralhadrao Phate,
4. Subhash Sonaji Kate,
5. Shri Sharadchandra,
6. Jayant Eknathrai Salve,
7. Rituraj Chandrashekhar Patil,
8. Deelip B. Advant,
9. Miss Bina,
10. Ravishekhar Bapuraoji Bandnore,
11. G. C. Kataria.

[No. 225/4/2007-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 19 मार्च, 2008

का.आ. 658.—केंद्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का

अधिनियम सं. 28) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री पी. अरुण, अभियोजन अधिकारी, के.अ. व्यूरो, मुंबई को, संलग्न अनुसूची में उल्लिखित अपराधों अथवा मुंबई शहर और मुंबई उपनगरीय जिलों, जिला रायगढ़ और जिला थाणे, में किए गए ऐसे ही मार्षलों के विचारण तथा उक्त बम विस्फोटों से संबंधित और उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों के विचारण के लिए उक्त अधिनियम की धारा 9 के अंतर्गत गठित नामनिर्दिष्ट न्यायालय, मुंबई में पूर्वोक्त अनुसूची में उल्लिखित मामलों और मुंबई शहर तथा उसके उपनगरों में 12 मार्च, 1993 को हुए बम विस्फोटों से उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों से उत्पन्न मामला संख्या आरसी 1 (एस) /93-सीबीआई एसटीएफ मुंबई (कोर्ट केस सं. बीबीसी 1 ऑफ 93) तथा उक्त अधिनियम के अधीन उससे संबंधित अन्य मामलों अथवा आनुयांगिक मामलों के संचालन के लिए, केंद्रीय अन्वेषण व्यूरो के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

अनुसूची

क्रम सं	स्थान	पुलिस स्टेशन और डीसीबी अपराध संख्या	अपराध संख्या
1	2	3	4
1.	स्टॉक एक्सचेंज	एम.आर.ए. मार्ग, 129/93	70/93
2.	कथा बाजार	पैडोहाईन, 195/93	73/93
3.	सेना भवन	दादर, 186/93	118/93
4.	सेंचुरी बाजार	दादर, 187/93	117/93
5.	महिम कौसवे	महिम 185/93	110/93
6.	एयर इंडिया	कूफे पराडे, 126/93	71/93
7.	जावेरी बाजार (एक्सप्लोडिंग स्कूटर)	एल.टी. मार्ग, 122/93	75/93
8.	सी रॉक होटल	बांद्रा, 148/93	114/93
9.	प्लाजा सिनेमा	महिम 184/93	109/93
10.	जुहू सेंटर होटल	सातां झूज 155/93	116/93
11.	एयरपोर्ट बे 54 (श्रींग एच.जी.)	सहार, 200/93	108/93
12.	सेंटर होटल (एयरपोर्ट)	एयरपोर्ट, 19/93	115/93
13.	वली	वली, एलएसी 389/93	112/93
14.	नैगम सी.आर.एस. रोड (अन एक्सप्लोडिंग स्कूटर)	मतुंगा, 251/93	72/93
15.	धनजी स्ट्रीट एंड जावेरी बाजार (2 अन एक्सप्लोडिंग स्कूटर)	एल.टी. मार्ग, 124/93	111/93

1	2	3	4
16.	महास्ला	महास्ला, 6/93	132/93
17.	श्रीवर्धन	श्रीवर्धन, 14/93	133/93
18.	गोरेगांव	गोरेगांव, 17/93	134/93
19.	थाणे	कपूरबाबडी, 14/93	135/93
20.	एस.के. मेनन स्ट्रेट	एल.टी. मार्ग, 138/93	77/93
21.	इर्टन लाइड लेवोटरी ऑफ मुसाफिर खाना, मुंबई	एलएसी, 15/93	
22.	नारियल वाडी मुस्लिम सिमेंट्री मझगांव	एलएसी	18/93
23.	पिकनिक गेस्ट हाउस नियर लीडो थियेटर, सांता क्रूज (वेस्ट)	एलएसी	20/93
24.	58, नर्सिंस दत्त रोड, पाली हिल बांद्रा, (वेस्ट), मुंबई-50	एलएसी	21/93
25.	बोनापार्ट इंडस्ट्रीज, घनशयाम इंडस्ट्रीज एस्टेट, बीरा देसाई रोड, मुंबई-50	एलएसी	21/93
26.	खातोजाबी चॉल, आर. नं. 1, सोनापुर लेन, कुरुला (वेस्ट)	एलएसी कुरुला एलएसी 707/93	32/93
27.	दीमलैंड को.ओ. हाऊसिंग सोसायटी, मिल्टी रोड-मेरोल, मुंबई	एलएसी	22/93

[सं. 225/45/2007-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 19th March, 2008

S.O. 658.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, (Act No. 28 of 1987), the Central Government hereby appoints Shri P. Arun, Prosecuting Officer of the Central Bureau of Investigation, as Special Public Prosecutor of the Central Bureau of Investigation for conducting prosecution of the case RC 1(S)/93-CB1 STF Mumbai (Court case No. BBC 1 of 93) relating to the cases mentioned in the Schedule appended hereto, and such cases in such areas as may arise out of and connected with Bomb Blasts which occurred on 12th March, 1993 at Mumbai City and suburbs, and other matters connected therewith or incidental thereto under the said Act, in the Designated Court at Mumbai constituted u/s 9 of the said Act to try offences or such cases committed at Mumbai City and Mumbai Suburban

Districts, Raigad District and Thane District as mentioned in the case schedule, and to try such cases in such areas as may arise out of and connected with aforesaid Bomb Blasts.

SCHEDULE

Sl. No.	Place	Police Station and Cr. No.	DCB Cr. No.
		1	2
1.	Stock Exchange	M.R.A. Marg., 129/93	70/93
2.	Katha Bazar	Pydhonie, 195/93	73/93
3.	Sena Bhavan	Dadar, 186/93	118/93
4.	Century Bazar	Dadar, 187/93	117/93
5.	Mahim Causeway	Mahim, 185/93	110/93
6.	Air-India	Cuffe Parade, 126/93	71/93
7.	Zaveri Bazar (Exploded Scooter)	L T Marg, 122/93	75/93
8.	Sea Rock Hotel	Bandra, 148/93	114/93
9.	Plaza Cinema	Mahim, 184/93	109/93
10.	Juhu Centaur Hotel	Santa Cruz, 155/93	116/93
11.	Airport Bay 54 (Throwing H.G.)	Sahar, 200/93	108/93
12.	Centaur Hotel (Airport)	Airport, 19/93	115/93
13.	Worli	Worli, LAC 389/93	112/93
14.	Naigaum C.R.S. Rd. (unexpl. Scooter)	Matunga, 251/93	72/93
15.	Dhanji ST & Zaveri Bazaar (2 unexpl. Exploded Scooter)	L.T. Marg, 124/93	111/93
16.	Mhasla	Mhasla 6/93	132/93
17.	Srivardhan	Srivardhan 14/93	133/93
18.	Goregaon	Goregaon 17/93	134/93
19.	Thane	Kapurbawadi, 14/93	135/93
20.	S.K. Menon Street	L.T. Marg, 138/93	77/93
21.	Eastern side Lavotry of Musafir Khana, Mumbai-50	LAC	15/93
22.	Nariyal Wadi Muslim Cementary Mazagaon	LAC	18/93
23.	Picnic Guest House Near Lido Theatre, Santa Cruz (W)	LAC	20/93

1	2	3	4
24.	58, Nargis Dutt Road, Pali Hill Bandra (W), Mumbai	LAC	21/93
25.	Bone Parte Ind., Ghansham Ind. Est. Vira Desai Road, Mumbai-50.	LAC	21/93
26.	Khatijabi Chawl, R. No. 1, Sonapur Lane, Kurla (W)	LAC Kurla LAC 707/93	32/93
27.	Dreamland Co. Op. Hog. Sct. Military Road, -Marol, Mumbai	LAC	22/93

[No. 225/45/2007-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 17 मार्च, 2008

का. आ. 659.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क बोर्ड के निम्नलिखित क्षेत्रीय कार्यालयों को जिनके 80% कर्मचारीवृद्धि ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

1. सीमा शुल्क आयुक्तालय, अहमदाबाद
2. सीमा शुल्क मंडल, सूरत
3. सीमा शुल्क मंडल, वलसाड
4. सीमा शुल्क मंडल, पालडी
5. सीमा शुल्क मंडल, आई सी डी दशरथ

[सं. 11012 (1) 2008-हिन्दी-2]

मधु शर्मा, निदेशक (रा.भा.)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 17th March, 2008

S. O. 659.—In pursuance of sub rule 4 of rule 10 of the Official Language (use of Official Purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices under the Central Board of Excise and Customs, Department of Revenue, the 80% staff where of have acquired the working knowledge of Hindi.

1. Commissionarate of Customs, Ahmedabad.
2. Customs Division, Surat.

3. Customs Division, Valsad.

4. Customs Division, Paldi.

5. Customs Division, ICD Dashrath.

[File No. 11012/1/2008-Hindi-2]

MADHU SHARMA, Director (OL)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 17 मार्च, 2008

का. आ. 660.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 9 के उप-खण्ड (1) एवं (2) के साथ, पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डॉ. सुनील उधवराष देशपांडे, वरिष्ठ प्रबंधक (स्केल 3) और वरिष्ठ संकाय, पुणे कर्मचारी प्रशिक्षण केन्द्र को, बैंक ऑफ महाराष्ट्र अधिकारी परिसंघ द्वारा मुम्बई उच्च न्यायालय के समक्ष दायर की गई वर्ष 2001 की रिट याचिका सं. 5394 के अंतिम आदेश के अध्यधीन, अधिसूचना की तिथि से तीन वर्षों की अवधि के लिए अथवा उनके बैंक ऑफ महाराष्ट्र के अधिकारी बने रहने तक अथवा अगले आदेश होने तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र के निदेशक मण्डल में अधिकारी कर्मचारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/61/2004-बीओ-1]

जी.बी. सिंह, उप सचिव

(Department of Financial Services)

New Delhi, the 17th March, 2008

S. O. 660.—In exercise of the powers conferred by clause (f) of sub-section (3) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) & (2) of clause 9 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Dr. Sunil Uddhavrao Deshpande, Senior Manager (Scale III) and Senior Faculty at the Staff Training Centre of the Pune, as Officer Employee Director on the Board of Directors of Bank of Maharashtra for a period of three years from the date of the notification or till he ceases to be an officer of the Bank of Maharashtra or until further orders, whichever is the earliest, subject to the final order in the Writ Petition No. 5394 of 2001 filed by the Bank of Maharashtra Officer's Association before the Mumbai High Court.

[F. No. 9/61/2004-BO-I]

G.B. SINGH, Dy. Secy.

नई दिल्ली, 18 मार्च, 2008

का. आ. 661.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केंद्रीय सरकार, एतद्वारा, 27 फरवरी, 1986 के का.आ. सं. 71(अ) के तहत भारत सरकार, वित्त मंत्रालय के आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की अधिसूचना में निम्नलिखित संशोधन करती है, नामत :—

उक्ता अधिनियम में “पटियाला और संगरूर के जिले” शब्दों के स्थान पर “पटियाला के जिले, संगरूर, फतेहगढ़ साहिब, एसएसनगर (मोहली)” शब्दों और कोष्टकों को प्रतिस्थापित किया जाएगा।

[फा. सं. 1/15/2007-आरआरबी]

एम.के. मल्होत्रा, उप सचिव

पाद टिप्पणी: मूल अधिसूचना भारत के राजपत्र, असाधारण भाग-II, खंड 3, उपखंड (ii) में दिनांक 27 फरवरी, 1986 के का.आ. सं. 71(अ) के तहत प्रकाशित की गई थी।

New Delhi, the 18th March, 2008

S.O. 661.—In exercise of the powers conferred under sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendments in the Notification of the Government of India, Ministry of Finance, the erstwhile Department of Economic Affairs (Banking Division), number S.O. 71(E), dated 27th February, 1986, namely :—

In the said notification, for the words “districts of Patiala and Sangrur”, the words and brackets “districts of Patiala, Sangrur, Fatehgarh Sahib, SAS Nagar (Mohali) and Barnala” shall be substituted.

[F. No. 1/15/2007-RRB]

M.K. MALHOTRA, Dy. Secy.

Foot Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), number S.O. 71(E), dated the 27th February, 1986.

गई दिल्ली, 18 मार्च, 2008

का.आ. 662.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, भारत के राजपत्र, असाधारण, के भाग II, खंड (ii) में प्रकाशित 08 मार्च, 1976 के का.आ. सं. 188(अ) (ii) दिनांक 12 मार्च, 1976 के तहत भारत सरकार, वित्त मंत्रालय के आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की अधिसूचना में निम्नलिखित संशोधन करती है, नामत :—

उक्त अधिनियम में “राजौरी और पुछ” शब्दों के स्थान पर “राजौरी, पुछ और साम्बा” शब्दों को प्रतिस्थापित किया जाएगा।

[फा. सं. 1/18/2007-आरआरबी]

एम.के. मल्होत्रा, उप सचिव

पाद टिप्पणी: मूल अधिसूचना भारत के राजपत्र, असाधारण भाग-II, खंड 3, उपखंड (ii) में दिनांक 8 मार्च, 1976 के का.आ. सं. 188(अ) के तहत दिनांक 12 मार्च, 1976 के तहत प्रकाशित की गई थी और दिनांक 23 जून, 1979 के का.आ. 2302 के आदेश द्वारा बाद में संशोधित की गई थी।

New Delhi, the 18th March, 2008

S.O. 662.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the Notification of the Government of India, in the Ministry of Finance, the erstwhile Department of Economic Affairs (Banking Division), Number S.O. 188(E), dated the 8th March, 1976 published in the Extraordinary Gazette of India Part II, Section-3 sub-section (ii), dated the 12th March, 1976, namely :—

In the said notification, for the words “Rajouri and Poonch”, the words “Rajouri, Poonch and Sambha” shall be substituted.

[F. No. 1/18/2007-RRB]

M.K. MALHOTRA, Dy. Secy.

Foot Note: The principal notification number S.O. 188(E), dated the 8th March, 1976 was published in the Gazette of India, (Extraordinary), Part II, Section 3, Sub-section (ii), dated 12th March, 1976 and subsequently amended, *vide* S.O. 2302, dated the 23rd June, 1979.

कार्यालय मुख्य आयकर आयुक्त

जयपुर, 17 मार्च, 2008

* सं. 17/2007-08

का.आ. 663.—आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वां) की धारा 10 के खण्ड (23सी) की उपधारा (vi) के द्वारा प्रदत्त शाकितार्थों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2007-08 एवं आगे के लिए कथित धारा के उद्देश्य से “शान्ति ऐजुकेशनल सोसायटी, सांगानेर, जयपुर” को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक: मुआआ/अआआ/(समव्य)/जय/10(23सी)(VI)/07-08/7560]

एस.सी. कपिल, मुख्य आयकर आयुक्त

OFFICE OF THE
CHIEF COMMISSIONER OF INCOME TAX

Jaipur, the 17th March, 2008

No. 17/2007-08

S.O. 663.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves “Shanti Educational Society, Sanganer, Jaipur” for the purpose of said Section for the A.Y. 2007-08 and onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Coord.)/10(23C)/(vi)/2007-08/7560]

S.C. KAPIL, Chief Commissioner of Income-tax

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 18 मार्च, 2008

का.आ. 664.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (क) के अनुसरण में तथा झारखण्ड सरकार के साथ परामर्श करके डा. (श्रीमती) शोभा चक्रवर्ती पुत्री स्व. नगेन्द्र नाथ चक्रवर्ती, निबेदिता, बरियातु रोड, रांची को इस अधिसूचना के जारी होने की तिथि से पांच वर्षों के लिए भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में मनोनीत किया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की अधिसूचना, का.आ. संख्या 138 में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “धारा 3 की उप-धारा (1) के खण्ड (क) के अंतर्गत मनोनीत” शीर्षक के अंतर्गत क्रम संख्या 28 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात्:—

“28. डा. (श्रीमती) शोभा चक्रवर्ती
पुत्री स्व. नगेन्द्रनाथ चक्रवर्ती,
निबेदिता,
बरियातु रोड,
रांची

झारखण्ड सरकार”

[संख्या वी-11013/2/2007-एम.ई.(नीति-I)]

एस.के. गुप्ता, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 18th March, 2008

S.O. 664.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Jharkhand have nominated Dr. (Smt.) Shobha Chakravorty, D/o Late Nagendranath Chakravorty, Nibedita, Bariatu Road, Ranchi to be a member of the Medical Council of India for five years with effect from the date of issue of this Notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment

in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely:—

In the said Notification, under the heading, “Nominated under clause (a) of sub-section (1) of Section 3”, for serial number 28 and the entries thereto, the following entries shall be substituted, namely:—

“28. Dr. (Smt.) Shobha Chakravorty, D/o Late Nagendranath Chakravorty, Nibedita, Bariatu Road, Ranchi

Govt. of Jharkhand”

[No.V.11013/2/2007-ME(P-I)]

S.K. GUPTA, Under Secy

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 17 मार्च, 2008

का.आ. 665.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, भारतीय जन संचार संस्थान, नई दिल्ली (सूचना और प्रसारण मंत्रालय), जिसके 80% से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[संख्या ई-11017/6/2007-हिन्दी]

प्रियम्बदा, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 17th March, 2008

S.O. 665.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Indian Institute of Mass Communication, New Delhi (Ministry of Information and Broadcasting), more than 80% of the staff whereof have acquired the working knowledge of Hindi.

[F. No. E-11017/6/2007-Hindi]

PRIYAMVADA, Director (O.L.)

संचार और सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

नई दिल्ली, 19 मार्च, 2008

का.आ. 666.—राजभाषा नियम (संघ के शासकीय प्रयोजन के लिए प्रयोग) 1976 के नियम 10 के उप नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालयों को जिसके 80 प्रतिशत कर्मचारी (गुप्त घ कर्मचारियों को छोड़कर) ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

कार्यालयों का नाम			1	2	3
क्रम. सं.	दाकघर का नाम	पिन कोड			
1	2	3			
1.	रामपुर बुशहैर	172001	32.	पूह उपडाकघर	172111
2.	आगी उपडाकघर	172026	33.	लियो उपडाकघर	172112
3.	आरसू उपडाकघर	172002	34.	ताबो उपडाकघर	172113
4.	बड़गांव उपडाकघर	172027	35.	काजा उपडाकघर	172114
5.	बौन्डा उपडाकघर	172034	36.	सगनम उपडाकघर	172117
6.	चौबाई उपडाकघर	172032	37.	देहरा गोपीपुर मुख्य डाकघर	177101
7.	दलाश उपडाकघर	172025	38.	डाडासीबा उपडाकघर	177106
8.	देलठ उपडाकघर	172028	39.	दलियारा उपडाकघर	177103
9.	ज्योरी उपडाकघर	172101	40.	गरली उपडाकघर	177108
10.	झाखड़ी उपडाकघर	172201	41.	हरिपुर उपडाकघर	176028
11.	किंगल उपडाकघर	172024	42.	ज्वालामुखी उपडाकघर	176031
12.	कोटाह उपडाकघर	172031	43.	खुंडियां उपडाकघर	176030
13.	कुमारसैन उपडाकघर	172029	44.	कोहाला उपडाकघर	176036
14.	ननखरी उपडाकघर	172021	45.	नैहरन पुखर उपडाकघर	177104
15.	निरमण उपडाकघर	172023	46.	प्रागपुर उपडाकघर	177107
16.	निधर उपडाकघर	172033	47.	पीरसलूही उपडाकघर	177034
17.	निजार उपडाकघर	172103	48.	रक्कड़ उपडाकघर	177043
18.	नोएली उपडाकघर	172022	49.	संसारपुर टैरस उपडाकघर	176501
19.	पंदमनगर उपडाकघर	172001	50.	ठोर उपडाकघर	177105
20.	सराहन बुशहैर उपडाकघर	172102	51.	टिपरी उपडाकघर	177112
21.	सानेदार उपडाकघर	172030	52.	कांगड़ा मुख्य डाकघर	176001
22.	रिकागंपियों मुख्य उपडाकघर	172107	53.	बड़ोह उपडाकघर	176054
23.	सानानगर उपडाकघर	172115	54.	भरमेड़ उपडाकघर	176021
24.	कलगांव उपडाकघर	172118	55.	धमेटा उपडाकघर	176025
25.	करडम उपडाकघर	172105	56.	फतेहपुर उपडाकघर	176025
26.	दापरी उपडाकघर	172104	57.	गगल उपडाकघर	176209
27.	सांगला उपडाकघर	172106	58.	ज्वाली उपडाकघर	176023
28.	कल्पा उपडाकघर	172108	59.	नगरोटा बगवां उपडाकघर	176047
29.	रिब्बा उपडाकघर	172116	60.	नगरोटा सुरिया उपडाकघर	176047
30.	स्पीलो उपडाकघर	172110	61.	राजा-का-तालाब उपडाकघर	176051
31.	मूरग उपडाकघर	172109	62.	रैत उपडाकघर	176208
			63.	रानीताल उपडाकघर	176029
			64.	रैहन उपडाकघर	176029
			65.	सुन्ही उपडाकघर	176037
			66.	सुन्हेड़ उपडाकघर	176056

1	2	3
67.	तियारा उपडाकघर	176214
68.	अम्ब उपडाकघर	177203
69.	अम्बोटा उपडाकघर	177205
70.	बंगाना उपडाकघर	174307
71.	भद्रसाली उपडाकघर	174317
72.	भरवाई उपडाकघर	177109
73.	भैरा उपडाकघर	174316
74.	चिंतपूर्णी उपडाकघर	177110
75.	चौकीमनियार उपडाकघर	174314
76.	धुसाडा उपडाकघर	174302
77.	दौलतपुर चौक उपडाकघर	177204
78.	देहलां उपडाकघर	174306
79.	दुलैहड़ उपडाकघर	176601
80.	गगरेट उपडाकघर	177201
81.	धनारी उपडाकघर	177212
82.	गोन्दपुर बैनेहरा उपडाकघर	177213
83.	हरोली उपडाकघर	177220
84.	लतियानी उपडाकघर	174308
85.	मैहतपुर उपडाकघर	174315
86.	मुबारिकपुर उपडाकघर	177202
87.	मरबाड़ी उपडाकघर	174319
88.	नैहरी नौरंगा उपडाकघर	177210
89.	ओयल उपडाकघर	177206
90.	पन्डोगा उपडाकघर	177207
91.	पंजबार उपडाकघर	177208
92.	पूर्वोवाल उपडाकघर	174503
93.	रायपुर उपडाकघर	177031
94.	सलोह उपडाकघर	177203
95.	संतोखगढ़ उपडाकघर	174301
96.	सुन्काली उपडाकघर	177219
97.	सोहारी उपडाकघर	177039
98.	तलमेड़ा उपडाकघर	174320

1	2	3
99.	थानाकलां उपडाकघर	174321
100.	ठठल उपडाकघर	177211
101.	ऊना मुख्य डाकघर	174303
102.	ऊना डाक मण्डल ऊना	174303

[सं. 11017-1/2007-रा.भा.]

के. पी. सेठी, उप महानिदेशक (एमएम एवं राजभाषा)

MINISTRY OF COMMUNICATIONS AND IT
(Department of Posts)

New Delhi, the 19th March, 2008

S.O. 666.—In pursuance of Rule 10(4) of the Official Language (use for official purposes of the Union) Rule 1976, the Central Government hereby notifies the following Subordinate Offices of the Department of Posts where 80 percent staff has acquired the working knowledge of Hindi :—

Sl.No.	Name of Post Office	Pin Code	
		1	2
1.	Rampur BSR-HO	172001	
2.	Ani-SO	172026	
3.	Arsu-SO	172002	
4.	Baragaon-SO	172027	
5.	Bonda-SO	172034	
6.	Chowai-SO	172032	
7.	Dalash-SO	172025	
8.	Dailath-SO	172028	
9.	Jeori-SO	172101	
10.	Jhakri-SO	172201	
11.	Kingal-SO	172024	
12.	Kotgarh-SO	172031	
13.	Kumarsain-SO	172029	
14.	Nankhari-SO	172021	
15.	Nirmand-SO	172023	
16.	Nither-SO	172033	
17.	Nichar-SO	172103	
18.	Nogli-SO	172022	
19.	Padam Nagar-SO	172001	
20.	Sarahan BSR-SO	172102	
21.	Thanedhar-SO	172030	
22.	Reckong PEO-HO	172107	

1	2	3	1	2	3
23.	Bhawa Nagar-SO	172115	65.	Sunhi-SO	176037
24.	Katgon-SO	172118	66.	Sunehar-SO	176056
25.	Karcham-SO	172105	67.	Teara-SO	176214
26.	Tapri-SO	172104	68.	Amb-SO	177203
27.	Sangla-SO	172106	69.	Ambota-SO	177205
28.	Kalpa-SO	172108	70.	Bangana-SO	174307
29.	Ribba-SO	172116	71.	Bhadsali-SO	174317
30.	Speedo-SO	172110	72.	Bharwain-SO	177109
31.	Moorang-SO	172109	73.	Bhera-SO	174316
32.	Pooh-SO	172111	74.	Chintpurni-SO	177110
33.	Leo-SO	172112	75.	Chowkimaniar-SO	174314
34.	Tabo-SO	172113	76.	Dhussara-SO	174302
35.	Kaza-SO	172114	77.	Daulatpur Chowak-SO	177204
36.	Sagnam-SO	172117	78.	Dehlan-SO	174306
37.	Dehra Gopipur-HO	177101	79.	Dulehar-SO	176601
38.	Dadasiba-SO	177106	80.	Gagret-SO	177201
39.	Dhallara-SO	177103	81.	Ghaneri-SO	177212
40.	Gari-SO	177108	82.	Gondpur Banehra-SO	177213
41.	Haripur-SO	176028	83.	Haroli-SO	177220
42.	Jawalamukhi-SO	176031	84.	Lathiani-SO	174307
43.	Khundian-SO	176030	85.	Mehatpur	174315
44.	Kohala-SO	176036	86.	Mubrakpur-SO	177202
45.	Nehra-Pukher-SO	177104	87.	Marwari-SO	174319
46.	Pragpur-SO	177107	88.	Nehri-Nauranga-SO	177210
47.	Pirsaluhhi-SO	177034	89.	Oel-SO	177206
48.	Rakkar-SO	177043	90.	Pandoga-SO	177207
49.	S.P. Terrace-SO	1765101	91.	Panjawar-SO	177208
50.	Thore-SO	177105	92.	Pubowal-SO	174503
51.	Tipri-SO	177112	93.	Raipur-SO	177031
52.	Kangra-HO	176001	94.	Saloh-SO	177209
53.	Baron-SO	176054	95.	Santokhgarh-SO	174301
54.	Bhammar-SO	176021	96.	Sunkali-SO	177219
55.	Dhemata-SO	176025	97.	Sohari-SO	177039
56.	Fatepur-SO	176053	98.	Talmera-SO	174320
57.	Gaggal-SO	176209	99.	Thanakalan-SO	175321
58.	Jawali-SO	176023	100.	Thathal-SO	177211
59.	Nagrota Bagwan-SO	176047	101.	Una HPO	174303
60.	Nagrota Surian-SO	176027	102.	Una Postal Dvn.	174303
61.	Raja Ka-Talab-SO	176051			
62.	Rait-SO	176208			
63.	Rantai-SO	176029			
64.	Rehan-SO	176022			

[No. 11017-1/2007-OL]

K.P. SETHY, Dy. Director General
(M.M. & OL)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता यात्रसे विभाग)

(भारतीय मानक व्यूरो)

नई दिल्ली, 12 मार्च, 2008

का.आ. 667.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

जनवरी, 2008 में स्वीकृत किये गये अनुज्ञापित

क्रम सं.	लाइसेंस का नाम तथा पता	उत्पाद का नाम तथा आई एस	अनुज्ञापित स्वीकृत करने की तिथि	
1	2	3	4	5
1.	7809994	श्री अंबिका ज्वैलर्स, 42, दयानंद काप्पलैक्स, शिवम गेट, बेचारीजी, मेहसाना 384 210	स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषणों/शिल्पकारी शुद्धता 01-01-2008 एवं मुहरांकन आई एस 1417 : 1999	
2.	7809893	सनफलैक्स कैमिकल्स इंडस्ट्रिज, प्लाट नंबर 1006, फेस नंबर 4, जी आई डी सी एस्टेट, नरोडा, अहमदाबाद 382 330	एलमीनो फैरिक आई एस 299 : 1989	31-12-2007
3.	7811274	डायमंड खजाना प्रा. लि., जी एफ/1 लक्ष प्राईम, टाउन हाल के सामने, आनंद 388 001	चांदी एवं चांदी मिश्र धातुओं के आभूषणों/शिल्पकारी शुद्धता 08-01-2008 एवं मुहरांकन आई एस 1417 : 1999	
4.	7811476	कहनकुंज ज्वैलर्स, एट बारोटवाडा, पी ओ देहगाम ता देहगाम, गांधीनगर	स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषणों/शिल्पकारी शुद्धता एवं मुहरांकन आई एस 2112 : 2003	08-01-2008
5.	7811375	कहनकुंज ज्वैलर्स, एट बारोटवाडा, पी ओ देहगाम, ता देहगाम, गांधीनगर	स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषणों/शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417 : 1999	08-01-2008
6.	7814482	दागिना घर, जी 6, तिरुपति मार्केट, भागवाडा दुर्वाजा, पी ओ पाटन 384 265	स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषणों/शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417 : 1999	17-01-2008
7.	7814684	जय इलैक्ट्रिकल, 5, राजकमल एस्टेट, सोनी चाल के पास, ओढव रोड, रखियाल, अहमदाबाद 380 023	ओपनवैल सबमर्सिबल पम्पसैट आई एस 14220 : 1999	15-01-2008
8.	7815181	सोनी रणछोड़भाई तथा सन्स ज्वैलर्स, पटवाशेरी कंसारवाड़, नवसारी 396 445	स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषणों/शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417 : 1999	21-01-2008
9.	7816284	विश्वामित्री बिवरेइज, 8, 9, सुल्तानपुरा, गायत्री मंदिर के पास पावागढ़ रोड, पंचमहल 389 350	पैकेजबंद पेयजल आई एस 14543 : 2004	24-1-2008
10.	7816486	प्राची फूड तथा बिवरेज, श्रीजी कृपा, जिन बाजार, नैटरंग, ता बालिया भारूच 391 130	पैकेजबंद पेयजल आई एस 14543 : 2004	24-1-2008

1	2	3	4	5
11.	7816385	एनडैवर इंस्ट्रूमेंट प्रा.लि., 307, आनंद चैवर्स, स्टेडियम अंडर ब्रिज नवरंगपुरा, अहमदाबाद	इलैक्ट्रॉनिक्स वर्किंग सिस्टम आई एस 9281 (पार्ट 3)	18-1-2008
12.	7816890	पारसमणि इंस्ट्रीज प्लाट नंबर 1/आर, जी आई डी सी, अंटालिया, बिहूमोरा, नवसारी	पोर्टलैंड पोजोलाना सिमट आई एस 1489 (पार्ट 1)	23-1-2008
13.	7816789	हरिओम बिवरेइज, वावडी (बजरग) गोधरा पंचमहल 389 001	पैकेजबंद पेयजल आई एस 14543 : 2004	21-1-2008
14.	7817387	सिमको फूड तथा बिवरेइज, प्लाट नंबर 6, जी आई डी सी, जंबुसर, झारूच 392 150	पैकेजबंद पेयजल आई एस 14543 : 2004	25-1-2008

[सं. सी एम डी/13 : 11]

ए.के. तलवार, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 12th March, 2008

S.O. 667.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1998, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Licence Granted for the Month of January, 2007

1	2	3	4	5
1.	7809994	Shree Ambica Jewellers 42, Dayanand Complex, Shivam Gate Becharaji Mehsana-384210	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking IS 1417 : 1999	01-01-2008
2.	7809893	Sunflex Chemicals Ind. Plot No. 1006, Phase No.-IV, G.I.D.C Estate, Naroda, Ahmedabad 382 330	Alumino-ferric IS 299; 1989	31-12-2007
3.	7811274	Diamond Khazana P. Ltd., GF//1 Laksh Prime Opp. Town Hall, Anand-388 001	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking IS 1417 : 1999	08-01-2008
4.	7811476	Kahankunj Jewellers, at Barotvada, PO Dahegam TA Dahegam, Gandhinagar	Silver and Silver Alloys Jewellery/Artefacts- Fineness and Marking IS 2112 : 2003	08-01-2008
5.	7811375	Kahankunj Jewellers, at Barotvada, PO Dahegam Ta Dahegam, Gandhinagar	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking IS 1417 : 1999	08-01-2008
6.	7814482	Dagina Ghar G-6, Tirupati Market, Gagavada Darwaja, P.O. Patan-384265	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking IS 1417 : 1999	17-01-2008

1	2	3	4	5
7.	7814684	Jai Electrical 5, Rajkamal Estate, Near Soni Chawl, Odhav Road, Rakhial Ahmedabad 380023	Openwell Submersible Pumpsets IS 14220 1994	15-01-2008
8.	7815181	Soni Ranchhodhai & Sons Jewelers Patwaheri Kansarwad Navsari 396445	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking IS 1417: 1999	21-01-2008
9.	7816284	Vishwamitry Beverages 8, 9 Sultanpura NR Gayatri Mandir Pavagadh Road, Panchmahal-389350	Packaged Drinking Water IS: 14543 : 2004	24-1-2008
10.	7816486	Prachi Foods & Beverages Shreeji Krupa, Jin Bazar, Netrang, TA : Valiya Bharuch 393130	Packaged Drinking Water IS : 14543 : 2004	24-1-2008
11.	7816385	Endeavour Instrument Pvt. Ltd. 307, Anand Chambers NR Stadium Under Bridge Navrangpura, Ahmedabad	Electronic Weighing System IS 9281 (Pt. 3)	18-1-2008
12.	7816890	Parasmani Industries (OLD) Plot No. 1/R, GIDC, Antalia, Bilimora, Navsari	Portland Pozzolana Cement IS 1489 (Pt.1)	23-1-2008
13.	7816789	Hari Om Beverages Vavdi (Bujarg), Godhra, Panchmahal 389001	Packaged Drinking Water IS 14543 : 2004	21-1-2008
14.	7817387	Simco Food & Beverages Plot No. 6, GIDC, Jambusar Bharuch 392 150	Packaged Drinking Water IS 14543 : 2004	25-1-2008

[No. CMD/13:11]

A.K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 12 मार्च, 2008

का. आ. 668.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद् द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गये हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. संख्या	भाग	अनु वर्ष
अनुक्रमांक	वैधता दिनांक	लाइसेंस संख्या	लाइसेंस धारकों का नाम व पता	उत्पादन		भा.म./भाग/विभाग/वर्ष	
1.	31-12-2008	7806483	ज्ञेटिक फूजस प्राइवेट लिमिटेड सी-5, रोड नं. 11, मरोल इंडस्ट्रियल इस्टेट, एम आई डि.सी, अंधेरी पूर्व, मुंबई-400093	पैकेजबंद पेयजल		14543 : 2004	
2.	30-12-2008	7792296	आदित्य बेबरेजेस ए-5, मडकई इंडस्ट्रियल इस्टेट, मडकई, गोवा-403404	पैकेजबंद पेयजल		14543 : 2004	
3.	31-12-2008	7809792	शालोम एन्टरप्राइजेस पोस्ट चार्डिप, शिरसाड वल्लभराम रोड, सिमला डेरी के नजदीक, वसई-401303 महाराष्ट्र राज्य	पैकेजबंद पेयजल		14543 : 2004	

[सं. सी एम डी/13:11]

ए. के. तलवार, उप महानिदेशक

New Delhi, the 12th March, 2008

S.O. 668.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 the Bureau of Indian Standards hereby notifies the grant of Licences sparticulars of which are given below in the following schedule:

SCHEDULE

Sl. No.	Licence No.	Validity Date	Name and Address (factory) of the Party	Product	IS No./Part/Sec/Year
1.	7806483	31-12-2008	Xotik Fruits Pvt. Ltd. C-5, Road No. 11, Marol Indl. Estate MIDC, Andheri (E) Mumbai-400093	Packaged Drinking Water (other than Package natural Mineral Water)	IS 14543: 2004
2.	7792296	30-12-2008	Aditya Beverages A-5 Madkai Industrial Estate, Madkai, Goa-403404	Packaged Drinking Water (other than Packaged natural Mineral Water)	IS 14543: 2004
3.	7809792	31-12-2008	Shalom Enterprises at Post Chandee Shirsad Vajreshwari Road Near Simla Dairy Vasai-401303 Thana	Packaged Drinking Water (other than Packaged natural Mineral Water)	IS 14543: 2004

[No. CMD/13:11]

A. K. TALWAR, Director General

नई दिल्ली, 13 मार्च, 2008

का. आ. 669.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक (कों) में संशोधन किया गया है, किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीषक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)

2 आई एस 1554 (भाग 2) : 1988 की संशोधन संख्या 3 03, नवम्बर 2007 03-03-2008
इस भारतीय संशोधन की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्ण तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: ईटी 09/टी-13]

पा. के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 13th March, 2008

S.O. 669.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rule, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendments	Date from which the Amendments shall have effect
(1)	(2)	(3)	(4)
2.	IS 1554 (Part 2): 1988 Specification for PVC Insulated (Heavy Duty) Electric Cables Part 2 For working voltages from 3.3 kV up to and including 11 kV (Second Revision)	03, November 2007	03-03-2008

Copy of this amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices; New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. ET 09/T-13]

P. K. MUKHRJEE, Sc. F & Head (Electro Technical)

नई दिल्ली, 17 मार्च, 2008

का. आ. 670.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गये हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. संख्या	मा. संख्या	भाग अनुभाग	वर्ष
1	2	3	4	5	6	7	8	9
1.	7797512	19.12.2007	इंदौपुर डेयरी एंड मिल्क प्राक्टिक्स लिमिटेड एट पोस्ट गोखाली बारामती रोड, तालुका ईदपुर जिला पुणे-413106	मलाई निकाला हुआ दूध पाउडर-भाग 1: मानक श्रेणी	13334	1		1998
2.	7804681	07-01-2008	हरी ओम इंडस्ट्रीज 21, हिंगुल अंबिका मंदिर के पास, एट धर्मवाद जिला नांदेड-431809	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
3.	7804580	08-01-2008	एकता फूड एंड बेवरेज वकील कॉलोनी, एसबीएच के पास, एट गंगाखेड, जिला-परभणी 431514	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
4.	7812074	20-12-07	श्रीनिवास इंडस्ट्रीज प्लॉट नं. डी-23, II फेज, लक्ष्मी को-आपरेटिव इंडस्ट्रीज इस्ट, हाटकेंगले जिला कोल्हापुर 416109	उच्च घनत्व सीवरेज के लिए पॉलीथिलीन पाइप	14333			1996
5.	7812983	14-01-08	आर्य स्टील रोलिंग (इंडिया) लिमिटेड प्लॉट नं. बी-6, फाइबर स्टार एमआयडीसी कगल, जिला कोल्हापुर 416216	कांक्रीट रीइन्फोर्समेंट के लिए उच्च शक्ति विरुपित स्टील की छड़े व तारें	1786			1985
6.	7815080	21-01-2008	काटे फूड इंडस्ट्रीज क. सं. 5/1ए/1/6 ए/पी पिंपले सौदागर तालुका हक्केली जिला पुणे 411027	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
7.	7805380	08-01-08	उमा इंडस्ट्रीज जिरेवाडी, जालना रोड जिला बीड 431122	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004

[सं. सी एम डी/13:11]
ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 17th March, 2008

S.O. 670.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule.

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Section	Year
1	2	3	4	5	6	7	8	9
1.	7797512	19-12-07	Indapur Dairy And Milk Products Ltd. At Post Gokhali Baramati Road Taluka Indapur District Pune-413106	Skimmed Milk Powder - Part I : Standard Grade	13334	1		1998
2.	7804681	07-01-08	Hari Om Industries 21, Near Hingul Ambika Mandir At Dharmabad District Nanded-431809	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
3.	7804580	08-01-08	Ekata Food & Beverages Vakil Colony, Near SBH Gangakhed District Parbhani-431514	Packaged drinking (Other than packaged natural mineral water)	14543			2004
4.	7812074	20-12-07	Shrinivas Industries Plot No. D-23, II Phase Laxmi Co-Op Indl. Estate Hatkanangale District Kolhapur-416109	High density polyethylene pipe for sewerage	14333			1996
5.	7812983	14-01-08	Arya Steel Rolling (India) Ltd, Plot No. B-6 Five Star MIDC Kagal District Kolhapur-416216	High strength deformed steel bars and wires for concrete reinforcement	1786			1985
6.	7815080	21-01-08	Kate Food Industries S.No. 5/IA/V/6 A/P Pimple Saudagar Taluka Haveli District Pune-411027	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
7.	7805380	08-01-08	Uma Industries Jirewadi, Jalna Road District Beed-431122	Packaged drinking water (Other than packaged natural mineral water)	14543			2004

[No. CMD/13:11]

A.K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 17 मार्च, 2008

का. आ. 671.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गये हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा/भा.ग/अनुभा.ग वर्ष संख्या
1.	2	3	4	5	6
1.	7806887	25-12-2008	केरिज्जोन इंडस्ट्रिज डब्ल्यू-66, एमआईडिसी, तलोजा इंडस्ट्रियल एरिया, तलोजा, जिला-रायगढ़-421208	प्रेशर कुकर के लिए रबर गासकेट	7466:1994

1	2	3	4	5	6	7	8	9
2.	7777910	29-11-2008	एबी मौरी इंडिया प्रायव्हेट लिमिटेड डी-7/2 ए, एमआयडिसी, एरिया, लोटे परशुराम, तालुका-खेड, जिला-रत्नागिरी-415722 महाराष्ट्र राज्य	खार्ड्य ग्रेड-कैल्शियम प्रोपायोनट	6031:1997			

[सं. सी एम डी/13:11]

अशोक तलवार, उप महानिदेशक (मुहर)

New Delhi, the 17th March, 2008

S.O. 671.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Validity date	Name & Address of (Factory) of the Party	Product	IS No./Part/Sec.Year
1.	7806887	25-12-2008	Verizon Industries W-66, MIDC Taloa Industrial Area, Raigarh Taloja, Maharashtra-421208	Rubber gaskets for pressure Cookers—Specification	IS 7466 : 1994
2.	7777910	29-11-2008	AB Mauri India Pvt. Ltd. D-7/2A, MIDC Area, Lote Parashuram, Tal. Khed, Ratnagiri, Maharashtra	Calcium Propionate, Food Grade—	IS 6031 : 1997

[No. CMD/13:11]

A.K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 17 मार्च, 2008

का. आ. 672.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख को रद्द/स्थगित कर दिया गया है।

अनुसूची

अनुक्रमांक	लाइसेंस संख्या	रद्दीकरण दिनांक	लाइसेंसधारकों का नाम और पता	रद्द किए गए लाइसेंस का भारतीय मानक के अनुसार प्रसंस्करण	मा. म./भाग/विभाग/वर्ष
1.	7491080	2-12-2007	राष्ट्राकोस ब्रेट अॅन्ड कंपनी लिमिटेड 1 ला गोखरण रोड, माजीवाडा, शास्त्री नगर, थाणे-400606, महाराष्ट्र राज्य।	प्रसंस्कृत-अनाज आधारित अनुपूरक आहार-विशिष्टि	11536 : 1997
2.	7746188	14-12-2007	ओशीयन बेकरेजेस नासिक प्रा. लि. 5, सारंग अपार्टमेंट, जे.बी. नगर, विसे मला, कॉलेज रोड, सिन्नर, जिला-नासिक-422005।	पैकेजबंद पेयजल	14541 : 2004

[सं. सी एम डी/13:13]

ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 17th March, 2008

S.O. 672.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No:	Name & Address of the licensee	Article/process which relevant Indian Standard covered by the licence cancelled	Date of Cancellation
1	2	3	4	5
1.	7491080	Raptakos Brett & Co. Ltd. 1st Pokhran Road, Majiwada, Shastri Nagar Thane (W) 400606	IS 11536: 1997	02-12-2007
2.	7746188	Ocean Beverages (Nasik) Pvt. Ltd., 5, Sarang apartment, J.B. Nagar, VISE Mala College Road, Sinnar, Distt. Nasik-422005	IS 14541: 2004 1E Pet Bottles and 500 ML Pet Bottles	14-12-2007

[No. CMD/13:11]

A.K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 18 मार्च, 2008

का.आ. 673.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं:

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 2878: 2004	संशोधन संख्या 5, फरवरी 2008	13 मार्च 2008
2.	आई एस 927: 1981	संशोधन संख्या 2, अगस्त 2007	31 अगस्त 2007
3.	आई एस 15517: 2004	संशोधन संख्या 1, सितम्बर 2007	30 सितम्बर 2007

इन संशोधनों की प्रतिवां भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मर्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, ज़फ़रपुर, कामपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञा. 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 18th March, 2008

S.O. 673.—In pursuance of clause (b) of sub rule (1) of Rule (7) of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 2878: 2004	Amendment No. 5, February, 2008	13 March 2008
2.	IS 927: 1981	Amendment No. 2, August, 2007	31 August 2007
3.	IS 15517: 2004	Amendment No. 1, September 2007	30 September 2007

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CED/Gazette]

A. K. SAINI, Sc., 'F' & Head (Civil Engg.)

नई दिल्ली, 18 मार्च, 2008

का.आ. 674.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं:—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	12592 : 2002	संख्या 1, जनवरी 2008	1 मार्च, 2008

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी. वैज्ञा. 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 18th March, 2008

S.O. 674.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	12592:2002	No. 1, January, 2008	1 March, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CED/Gazette]

A. K. SAINI, Sc., 'F' & Head (Civil Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 24 मार्च, 2008

का.आ. 675.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्द्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में, श्री शिवदत्त गौड़, सक्षम प्राधिकारी, मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाईन, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, डी-7, लालबहादुर नगर (पूर्व) क्लावर्स आमेर होटल के सामने, जनाहरताल नेहरू मार्ग, मालवीय नगर, जयपुर-302017 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बहरोड़ जिला : अलवर राज्य : राजस्थान

क्र. सं.	गाँव का नाम खसरा सं.	क्षेत्रफल			क्षेत्रफल
		हेक्टर	एयर	वर्गमीटर	
1	2	3	4	5	6
1.	बर्डोद	808	0	04	56
		809	0	07	09
		613	0	14	22
		614	0	03	06

[फा. सं. आर-31015/73/2004-ओ.आर-II]
ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 24th March, 2008

S. O. 675.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section(1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Sivdutt Gaur, Competent Authority, Mundra-Delhi Petroleum Product Pipeline, Hindustan Petroleum Corporation Limited, D-7, Lal Bahadur Nagar (East), Opp. Clarks Amer Hotel, Jawaharlal Nehru Marg, Malviya Nagar, Jaipur-302017 (Rajasthan).

Tehsil : Behror District : Alwar State : Rajasthan

Area

Sl. No.	Name of the Village	Khasra			
		No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
1.	Bardod	808	0	04	56
		809	0	07	09
		613	0	14	22
		614	0	03	06

[F. No. R-31015/73/2004-OR-II]

A. GOSWAMY, Under Secy.

नई दिल्ली, 24 मार्च, 2008

का.आ. 676.—पेट्रोलियम और खनिज पाइपलाईन्स (भूमि में उपयोगकर्ता अधिकार अर्जन) अधिनियम, 1962 (1962 का 50) के खंड 2 की धारा (क) के अनुपालन में श्री संजीव जाधव, डिप्टी कलेक्टर, महाराष्ट्र सरकार को मुंबई-पुणे पाइप लाइन विस्तार परियोजना में उनके वर्तमान उत्तरदायित्वों के अतिरिक्त एतदद्वारा उक्त अधिनियम के अंतर्गत हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की मुंबई-पुणे पाइपलाईन के लिए सक्षम अधिकारी के रूप में प्राधिकृत किया जाता है।

2. इसे भारत सरकार की अधिसूचना सं. का.आ. 264 दिनांकित 20 जनवरी, 2005 तथा का.आ. 2846 दिनांकित 8 अगस्त, 2005 में संशोधन के रूप में जारी किया जाता है।

[फा. सं. आर-31015/7/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 24th March, 2008

S. O. 676.—In pursuance of clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Shri Sanjeev Jadhav, Dy. Collector, Government of Maharashtra is hereby authorized to perform the function of the Competent Authority; under the Act for Hindustan Petroleum Corporation Limited's Mumbai-Pune Pipeline, in addition to his present responsibilities as Competent Authority, Mumbai-Pune Pipeline Extension Project.

2. This issues in modification of the Government of India Notification number S. O. 264 dated 20th January, 2005 and S.O. 2846 dated 8th August, 2005.

[F. No. R-31015/7/2004-OR-II]

A. GOSWAMY, Under Secy.

नई दिल्ली, 25 मार्च, 2008

का. आ. 677.— केन्द्रीय सरकार ने पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2240 दिनांक 9 अगस्त 2007 द्वारा पैट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात उक्त अधिनियम कहा जाएगा) की धारा 3(1) के अधीन अधिसूचनाएं प्रकाशित कर, मथुरा-जालंधर पैट्रोलियम उत्पाद परिवहन के संवर्धन परियोजना के कार्यान्वयन हेतु राष्ट्रीय राजधानी क्षेत्र में मुंडका से राष्ट्रीय राजधानी क्षेत्र के टिकरी कलां एल. पी. जी. बाटलिंग प्लांट तक पैट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने हेतु, उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट, राष्ट्रीय राजधानी क्षेत्र की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की थी;

और, उक्त अधिसूचना की प्रतियां जनता को 13-30 नवंबर 2007 तक उपलब्ध करा दी गई थीं;

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट, भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तिथि से, केन्द्रीय सरकार में निहित होने की बजाय, सभी विलंगमों से मुक्त होकर, इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव	हदबस्त संख्या	मुस्तील संख्या	खसरा / किला संख्या	क्षेत्रफल		
						हेक्टेयर	एयर	वर्गमीटर
1	2	3	4	5	6	7	8	9
पश्चिमी दिल्ली	पंजाबी बाग	मुन्डका	118	89	15/2	00	11	38
				90	11/1	00	06	74
				11/2	00	02	53	
				11/3	00	02	95	
				12	00	12	22	
				13	00	04	22	
				17	00	00	84	
				18/1	00	05	06	
				18/2	00	07	17	
				18/3	00	01	26	
				19/1/1	00	00	42	
				20/1	00	00	42	
				23/2	00	01	26	
				24/1	00	02	11	
				24/2	00	11	38	

1	2	3	4	5	6	7	8	9
परिचयी दिल्ली पंजाबी बाग मुद्रकी			114	9	00	00	84	
				10/1	00	04	22	
				10/2	00	08	85	
				11	00	01	69	
				12	00	06	32	
	115			4/1	00	00	42	
				4/2	00	05	90	
				5	00	09	69	
				6	00	04	64	
				150	00	01	26	
परिचयी दिल्ली पंजाबी बाग हिरन कूदना				24	00	12	65	
				25	00	12	22	
				26	00	12	22	
				27	00	12	22	
				28	00	10	96	
				34	00	00	42	
				35	00	05	06	
				36	00	07	59	
				45	00	02	53	
				48/1	00	13	49	
				48/2	00	00	42	
				50	00	08	85	
				83	00	02	11	
				369/1	00	00	42	
				369/2	00	07	59	
				370	00	12	22	
				371	00	12	22	
				372	00	12	22	
				373	00	12	22	
				374	00	12	22	
				375	00	12	22	
				378	00	12	22	
				466	00	12	22	
				467	00	12	22	
				478	00	15	17	
				479	00	12	22	
				480	00	12	22	
				483	00	12	22	
परिचयी दिल्ली पंजाबी बाग टिकरी कलां			42	18	00	02	11	
					23	00	10	96
	44			3	00	10	96	
				8	00	10	12	
				13	00	10	96	
				17	00	05	48	
				18	00	08	01	

1	2	3	4	5	6	7	8	9
परिचमी दिल्ली पंजाबी बाग टिकरी कलां				24	00	13	49	
				65	4	00	11	38
					5/1	00	01	26
					7	00	12	65
					13	00	13	91
					18/2	00	12	22
					19	00	02	53
					22	00	09	69
				68	1	00	02	95
					2	00	00	42
					9	00	13	49
					10	00	09	69
				69	2	00	03	79
					3	00	13	91
					4	00	12	65
					5	00	08	85
					6	00	03	37
					7	00	00	42
					512	00	00	42
					582	00	02	11
					1430	00	00	84
					1433	00	00	84
					1434	00	00	42
					1436	00	00	42
उत्तरी परिचमी सरस्वती घोवरा	दिल्ली	सरस्वती विहार		119	81	18	00	32
						95	00	59

[फा. सं. आर-25011/7/2007-ओ.आर-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 25th March, 2008

S.O. 677.—Whereas by notification of the government of India in the ministry of Petroleum and Natural gas, published in the Gazette of India vide number S.O. 2240, dated 09th August 2007, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act). the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying a pipeline for transportation of Petroleum Product from Mundka village in the NCT of Delhi to Tikri Kalan LPG Bottling Plant in the NCT of Delhi by the Indian Oil Corporation Limited.

And, whereas, the copies of the said Gazette notification were made available to the public between 13th – 30th November 2007;

And, whereas the Competent Authority has under Sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And, whereas the Central Government after considering the said report is satisfied that the right of user in the land specified in the schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Hadbast No.	Mushtil No.	Khasra / Killa No.	Area		
						Hectare	Are	Square Metre
1	2	3	4	5	6	7	8	9
West Delhi	Panjabi Baug	Mundka	118	89	15/2	00	11	38
				90	11/1	00	06	74
					11/2	00	02	53
					11/3	00	02	95
					12	00	12	22
					13	00	04	22
					17	00	00	84
					18/1	00	05	06
					18/2	00	07	17
					18/3	00	01	26
					19/1/1	00	00	42
					20/1	00	00	42
					23/2	00	01	26
					24/1	00	02	11
					24/2	00	11	38
				114	9	00	00	84
					10/1	00	04	22
					10/2	00	08	85
					11	00	01	69
					12	00	06	32
				115	4/1	00	00	42
					4/2	00	05	90
					5	00	09	69
					6	00	04	64
					150	00	01	26
West Delhi	Panjabi Baug	Hiran Kudna / Jafarpur			24	00	12	65
					25	00	12	22
					26	00	12	22
					27	00	12	22

1	2	3	4	5	6	7	8	9
West Delhi	Punjabi Baug	Hiran Kudna / Jafarpur			28	00	10	96
					34	00	00	42
					35	00	05	06
					36	00	07	59
					45	00	02	53
					48/1	00	13	49
					48/2	00	00	42
					50	00	08	85
					83	00	02	11
					369/1	00	00	42
					369/2	00	07	59
					370	00	12	22
					371	00	12	22
					372	00	12	22
					373	00	12	22
					374	00	12	22
					375	00	12	22
					378	00	12	22
					466	00	12	22
					467	00	12	22
					478	00	15	17
					479	00	12	22
					480	00	12	22
					483	00	12	22
West Delhi	Punjabi Baug	Tikri Kalan			42	18	00	02
						23	00	10
					44	3	00	96
						8	00	10
						13	00	96
						17	00	05
						18	00	08
						24	00	01
					65	4	00	49
						5/1	00	38
						7	00	26
						13	00	65
						18/2	00	91
						19	00	22
						22	00	53
					68	1	00	69
						2	00	95
						9	00	42
						10	00	49
					69	2	00	69
						3	00	79
								91

1	2	3	4	5	6	7	8	9
West Delhi	Panjabi Baug	Tikri Kalan		4	00	12	65	
				5	00	08	85	
				6	00	03	37	
				7	00	00	42	
				512	00	00	42	
				582	00	02	11	
				1430	00	00	84	
				1433	00	00	84	
				1434	00	00	42	
				1436	00	00	42	
North West Delhi	Sarswati Vihar	Ghevra	119	81	18	00	06	32
				-	95	00	07	59

[F. No. R-25011/7/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 26 मार्च, 2008

का. आ. 678.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि, मैसर्स रिलायन्स इंडस्ट्रीज लिमिटेड की आन्ध्रप्रदेश में संरचनाओं से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा एक पाइपलाइन विछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि, उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावच्छ अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार अर्जन करने के अपने आशय की घोषणा करती है;

कोइ व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितवच्छ है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन विछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री एस. डी. भिसे, सक्षम प्राधिकारी, रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, हरि नारायण कॉम्प्लेक्स, दूसरी मंजिल, जुना डालडा डिपो, शिवाजी चौक, फर्नाचर मार्केट, उल्हासनगर - 421003, जिला ठाणे, महाराष्ट्र राज्य की लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

पंचांग/ताइसोल/सालुका : भिवंडी जिला : ठाणे राज्य: महाराष्ट्र

गोप का नाम	सर्व नं/गट नं	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सी—एयर
1.	2	3	4	5

1) कुरुंद	25/6	00	03	08
	25/7	00	06	61
	28/3 P	00	03	00
	128/4/1	00	01	20
2) वळेपाडा	28/P	00	08	48
	14/2	00	01	50
	36/26	00	03	45
	38/19	00	01	52
3) खलिंग बु	46/11	00	09	00
4) दिल्लरी	217/88	00	00	75
	217/81	00	13	26
	217/80	00	10	14
	217/73	00	21	33
	217/74	00	08	22
	217/103	00	02	92
	217/104	00	05	20
	217/105	00	00	72
	217/119	00	07	35
	217/90	00	02	21
	217/89	00	08	52

अनुसूची

पंचांग/ताइसोल/सालुका : वारा जिला : ठाणे राज्य: महाराष्ट्र

गोप का नाम	सर्व नं/गट नं	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सी—एयर
1	2	3	4	5

1) विलोरी	135	00	27	04
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1	2	3	4	5
2) सुपोर्ड	144	00	02	08
	173	00	03	00
	175	00	04	00
	65/P	00	11	11
	68/B	00	58	00
	45/A/P	00	44	40
	67	00	26	70
	84	00	00	60
	145/A	00	57	00
	178	00	16	61
	65/P	00	30	00
	64	00	00	60
	142	00	02	58
3) कलमखांड	175	00	01	19
	168	00	15	00
	151/P	00	20	00
	156	00	30	00
	149	00	13	26
	147	00	06	00
4) खरिवली	58/P	00	00	24
	74/1/2	00	01	20
	78/P	00	09	90
	117	00	02	02
	75/P	00	00	52
	105/2	00	06	15
	87/6	00	06	48

अनुसूची

मंडळ/तहसील/तालुका : विक्रमगढ़	जिला : ठाणे	राज्य: महाराष्ट्र		
गांव का नाम	सदै नं/गट नं	आरओ.यू. अधिकारी के लिए क्षेत्रफल		
1	2	3	4	5
1) महसरोली	97/P	00	36	00

अनुसूची

मंडळ/तहसील/तालुका : उडाणू		जिला : ठाणे	राज्य: महाराष्ट्र	
गांव का नाम	सर्वे नं/गट नं	आरओएस अर्जित करने के लिए सेत्रफल		
		हेक्टेयर	एकर	सी-एकर
1	2	3	4	5

1), पुजावे 43 00 06 25

[फा. सं. एल-14014/3/2008-जी. पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 26th March, 2008

S.O. 678.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from structures in Andhra Pradesh of M/s Reliance Industries Limited to consumers in various parts of the country, a pipeline should be laid by M/s Reliance Gas Transportation Infrastructure Limited;

And whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Rights of Users in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Rights of Users in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Rights of Users therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act are made available to the general public, object in writing to the acquisition of Rights of Users therein for laying the pipeline under the land to Shri S. D. Bhise, Competent Authority, Reliance Gas Transportation Infrastructure Limited, Hari Narayan Complex, 2nd Floor, Old Dalda Depot, Shivaji Chowk, Furniture Market, Ulhasnagar-421003, Dist Thane, Maharashtra State.

Continued..2

Schedule

Mandal Tehsil/Taluka: Bhiwandi District: Thane State : Maharashtra					
Village	Survey Sub-Division No.	Area required for RoU acquisition			C-Are
		Hect.	Are	G-Are	
1	2	3	4	5	
1) Kurund	25/6	00	03	08	
	25/7	00	06	61	
	28/3 P	00	03	00	
	126/4/1	00	01	20	
2) Dalepada	28/P	00	08	48	
	14/2	00	01	50	
	36/26	00	03	45	
	36/19	00	01	52	
3) Khaling Bk	46/11	00	09	00	
4) Dighashi	217/88	00	00	75	
	217/81	00	13	26	
	217/80	00	10	14	
	217/73	00	21	33	
	217/74	00	08	22	
	217/103	00	02	92	
	217/104	00	05	20	
	217/105	00	00	72	
	217/119	00	07	35	
	217/90	00	02	21	
	217/89	00	08	52	

Schedule

Mandal Tehsil/Taluka: Wada District: Thane State : Maharashtra

Village	Survey Sub-Division No.	Area required for RoU acquisition		
		Hect.	Are	C-Are
1	2	3	4	5
1) Bhiloshi	135	00	27	04
2) Suponda	144	00	02	08
	173	00	03	00
	175	00	04	00
	65/P	00	11	11
	68/B	00	58	00
	45/A/P	00	44	40
	67	00	26	70
	84	00	00	60
	145/A	00	57	00
	176	00	16	61
	65/P	00	30	00
	64	00	00	60
	142	00	02	58
3) KalmKhand	175	00	01	19
	166	00	15	00
	151/P	00	20	00
	156	00	30	00
	149	00	13	26
	147	00	06	00
4) Kharivali	58/P	00	00	24
	74/1/2	00	01	20
	78/P	00	09	90
	117	00	02	02
	75/P	00	00	52
	105/2	00	06	15
	87/6	00	06	48

Mandal Tehsil/Taluka: Vlkaramgad District: Thane State : Maharashtra

Village	Survey Sub-Division No.	Area required for RoU acquisition		
		Hect.	Are	C-Are
1	2	3	4	5

1) Mhasroli 97 / P 00 36 00

Mandal Tehsil/Taluka: Dahanu District: Thane State : Maharashtra

Village	Survey Sub-Division No.	Area required for RoU acquisition		
		Hect.	Are	C-Are
1	2	3	4	5

1) Runjave 43 00 06 25

[F. No. L-14014/3/2008-G.P.]
K. K. SHARMA, Under Secy.

नई दिल्ली, 27 मार्च, 2008

का. अा 679.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित व्यक्तियों को, उक्त अनुसूची के स्तम्भ 2 में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है :

क्रम संख्या 1 पर श्री पी.के.दास, वरिष्ठ प्रचालन प्रबन्धक, हल्दिया मौरीग्राम राजबन्ध बरौनी पाइपलाइन्स, मौरीग्राम शब्दों के स्थान पर श्री पी.के.साहा, वरिष्ठ सामग्री प्रबन्धक, पारादीप हल्दिया बरौनी पाइपलाइन्स, हल्दिया शब्द रखे जाएंगे ।

[फा. सं. आर-25011/15/2005-ओ.आर-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 27th March, 2008

S. O. 679.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4526 dated 30 November, 2005, published in the Gazette of India on November 27 - December 3, 2005, namely: -

In the said notification, in the Schedule, in column (1).

iv) at Sl. No.1, for the words "Shri P.K. Das, Senior Operations Manager", Haldia Mourigram Rajbandh Barauni Pipeline, Mourigram the words, "Shri P.K. Saha, Senior Materials Manager", Paradip Haldia Barauni Pipeline, Haldia shall be substituted.

[F. No. R-25011/15/2005-O.R.-1]

S.K. CHITKARA, Under Secy.

नई दिल्ली, 27 मार्च, 2008

का. आ. 680.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 30-06-2007 मे प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. संख्या 1864 तारीख 27-06-2007 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची तालुका-गंगावरम, जिल्ला चित्तूर, राज्य आन्ध्रप्रदेश चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली कि रिफेनरी से देवनगुडि टॉर्मिनल, बैगलुरु तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड, द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी। और उक्त राजपत्र अधिसूचना की प्रतियां ता. 23-07-07 से जनता को उपलब्ध करा दी गई थी; और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार आर्जत किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है। और केन्द्रीय सरकार उक्त अधिनियम की धारा की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कॉर्पोरेशन लिमिटेड में सभी विल्लगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा।

अनुसूची

संकेत : गंगावरम	जिला : चित्तूर			राज्य : आन्ध्र प्रदेश		
	गाँव का नाम	सर्वोक्तुण सं.-खंड सं.	उप खंड सं.	क्षेत्रफल		
1	2	3	4	हेक्टर	एयर	वर्ग मिटर
75, भारेदुपल्लि	159	1	00	07	29	
	160	1	00	16	60	
	160	3	00	06	07	
	160	6	00	09	72	
	160	5A	00	10	93	
	161	1D	00	13	36	
	161	3	00	12	15	
	162	2E	00	01	21	
	162	2A	00	09	72	
	163	1B	00	08	91	
	163	2C	00	09	31	
	131	8	00	12	55	
	129	4	00	09	72	
	129	5	00	00	81	
	128	1B	00	05	28	
	128	1A	00	03	64	
	128	1C	00	09	72	
	119	2	00	04	05	
	119	3	00	04	86	
	118		00	06	48	
	212	3B	00	38	87	
	212	1C	00	00	40	
	212	3A	00	00	81	

1	2	3	4	5	6
76, दंडपल्ले	807	2B	00	15	79
	807	2C	00	07	69
	807	3A	00	25	10
	809	A	00	06	48
	809	B	00	04	45
	808	-	00	09	31
	806	1A	00	00	40
	806	2	00	18	22
	804	1B/A	00	02	83
	904	1B/B	00	02	83
	804	1B/C	00	04	86
	804	1B/D	00	03	24
	803	1	00	14	57
	790	-	00	05	26
	790	3A	00	20	24
	736	E	00	02	83
	736	1F	00	05	67
	738	-	00	02	83
	732	1B	00	01	21
	932	1A	00	04	45
	735	-	00	07	69
	733	-	00	02	43
	717	-	00	02	83
	716	A	00	03	64
	714	A	00	06	07
77, जीडिमाकुलापत्ति	246	2C	00	03	64
	246	2A	00	03	24
	249	4A	00	02	43
	249	4B	00	02	43
	249	5	00	06	07
	249	3A	00	01	21
	249	2A	00	01	21
	249	1	00	02	43
	262	1E	00	00	81
	262	2A	00	06	48
	267	1	00	04	05
	268	2B	00	15	38
78, मामाडुगु	722	B	00	02	43
	722	A	00	06	48
	638	1C	00	05	26
	638	1A	00	05	67
	638	1B	00	05	26
	638	3A	00	08	91
	638	4A	00	10	12
	638	4B	00	10	12
	636	5B	00	12	15
	640	1A	00	14	57
	640	A2/1	00	08	10
	640	A2/2	00	05	67
	640	A2/3	00	02	43
	640	1E	00	06	07
	640	1F	00	06	07
	640	A4/C	00	06	48
	640	A4/A	00	06	48
	640	A4/B	00	06	48

1	2	3	4	5	6
78, भारतीय (अमरा..)	640	A5/D	00	06	07
	640	6	00	04	86
	641	A	00	07	29
	641	B	00	07	29
	642	B	00	06	48
	644	-	00	08	10
	645	2	00	03	64
	645	1	00	09	31
	669	-	00	07	69
	506	1A	00	14	17
	507	-	00	05	26
	508	-	00	04	86
	661	1	00	05	67
	661	3	00	24	70
	667	-	00	35	63
	666	1A	00	7	29
	666	2	00	08	10
	508	B	00	09	31
	508	C	00	09	31
	512	2A	00	13	36
	512	1B	00	04	45
	513	2B	00	00	40
	513	1B	00	06	07
	513	1A	00	06	07
	525	B	00	04	05
	525	C	00	08	10
	525	D	00	08	10
	523	3	00	08	91
	523	4A	00	02	83
	523	3A	00	00	81
	394	2A	00	00	81
	394	1B	00	06	48
	394	1A	00	03	24
	394	1B/A	00	04	05
	393	B	00	09	72
	393	A	00	42	51
	392	4A	00	08	91
	392	4B	00	04	86
79, पाठिकांडा	413	B	00	21	86
	415	-	00	08	10
	417	1	00	09	72
	421	1	00	04	05
	422	-	00	06	50
	425	-	00	05	26
	427	-	00	08	91
	428	1	00	02	43
	426	-	00	02	83
	314	3A	00	04	05
	314	3B	00	04	05
	314	3C	00	04	05
	314	4	00	14	57
	314	5	00	08	91
	315	1	00	09	31
	339	A	00	03	24
	341	2	00	06	88
	341	3	00	04	86

1	2	3	4	5	6
79, पांडिकोंडा (कर्नाटकः...)	342	A	00	33	60
	343	A	00	02	83
	57	A	00	02	43
	57	B	00	00	81
	58	A	00	08	10
	60	-	00	58	30
	73	1A	00	12	96
	67	-	00	05	26
	70	1	00	03	64
	68	-	00	03	64
	142	1	00	03	64
	150	4	00	15	79
	150	5A	00	01	21
	150	5B	00	01	21
	150	6	00	01	21
	150	7	00	01	21
	340	-	00	08	91
80, कीलापल्लि	64	5	00	06	88
	64	7	00	06	07
	59	2	00	03	24
	59	1C	00	17	81
	61	1	00	14	57
	61	2A/1	00	04	05
	61	2A/2	00	04	05
	61	2B/3	00	06	91
	110	1A	00	04	05
	110	1B	00	05	26
	117	2B	00	20	24
	117	7	00	11	34
	117	8	00	58	70
	91	2	00	10	53
	91	3	00	12	15
	90	3B	00	04	86
	90	3A	00	04	86
	90	4A	00	02	02
	90	4B	00	01	62
	90	5A	00	28	34
	90	5B	00	22	87
	206	5A	00	10	12
	206	5C	00	18	62
	206	4A	00	06	07
	206	4B	00	06	48
	206	3	00	04	45
	206	2	00	02	83
	208	1	00	06	07
	208	2C	00	14	57
	255	1A	00	03	24
	255	1C	00	03	24
	255	1D	00	03	64
	253	2	00	02	43
	254	2	00	09	72
	75	-	00	14	17
	67	A	00	02	43
	65	A	00	10	93

[फा. सं. आर-25011/5/2007-ओ.आर.-I]

एस. के. चिट्कारा, अवर सचिव

New Delhi, the 27th March, 2008

S. O. 680.— Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas Number. S.O. 1864 dated 30-06-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule relating to Mandal Gangavaram, District Chittoor, State Andhra Pradesh annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, by the Indian Oil Corporation Limited

And whereas, the copies of the said Gazette Notification were made available to the general public on 23-07-2007;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that Right of User in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby direct that the Right of User in the said land shall instead of vesting with the Central Government, vests from the date of publication of this declaration to the Indian oil corporation limited free from all encumbrances.

SCHEDULE

Mandal : Gangavaram		District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area			Sq. Mtr.
			Hectare	Are	6	
1	2	3	4	5	6	
75, MAREDUPALLI	159	1	00	07	29	
	160	1	00	16	60	
	160	3	00	06	07	
	160	6	00	09	72	
	160	5A	00	10	93	
	161	1D	00	13	36	
	161	3	00	12	15	
	162	2E	00	01	21	
	162	2A	00	09	72	
	163	1B	00	08	91	
	163	2C	00	09	31	
	131	8	00	12	55	
	129	4	00	09	72	
	129	5	00	00	81	
	128	1B	00	05	26	
	128	1A	00	03	64	
	128	1C	00	09	72	
	119	2	00	04	05	
	119	3	00	04	86	
	118	-	00	06	48	
	212	3B	00	38	87	
	212	1C	00	00	40	
	212	3A	00	00	81	
76, DANDAPALLE	807	2B	00	15	79	
	807	2C	00	07	69	
	807	3A	00	25	10	
	809	A	00	06	48	
	809	B	00	04	45	
	808	-	00	09	31	
	806	1A	00	00	40	
	806	2	00	18	22	
	804	1B/A	00	02	83	
	804	1B/B	00	02	83	
	804	1B/C	00	04	86	
	804	1B/D	00	03	24	
	803	1	00	14	57	
	790	1	00	05	26	
	790	3A	00	20	24	
	736	E	00	02	83	
	736	1F	00	05	67	
	738	-	00	02	83	
	732	1B	00	01	21	
	932	1A	00	04	45	

1	2	3	4	5	6
76, DANDAPALLE (Continued..)	735	-	00	07	69
	733	-	00	02	43
	717	-	00	02	83
	716	A	00	03	64
	714	A	00	06	07
77, JEEDIMAKULAPALLI	246	2C	00	03	64
	246	2A	00	03	24
	249	4A	00	02	43
	249	4B	00	02	43
	249	5	00	06	07
	249	3A	00	01	21
	249	2A	00	01	21
	249	1	00	02	43
	262	1E	00	00	81
	262	2A	00	06	48
	267	1	00	04	05
	268	2B	00	15	38
78, MAMADUGU	722	B	00	02	43
	722	A	00	06	48
	638	1C	00	05	26
	638	1A	00	05	67
	638	1B	00	05	26
	638	3A	00	08	91
	638	4A	00	10	12
	638	4B	00	10	12
	638	5B	00	12	15
	640	1A	00	14	57
	640	A2/1	00	08	10
	640	A2/2	00	05	67
	640	A2/3	00	02	43
	640	1E	00	06	07
	640	1F	00	06	07
	640	A4/C	00	06	48
	640	A4/A	00	06	48
	640	A4/B	00	06	48
	640	A5/D	00	06	07
	640	6	00	04	86
	641	A	00	07	29
	641	B	00	07	29
	642	B	00	06	48
	644	-	00	08	10
	645	2	00	03	64
	645	1	00	09	31
	669	-	00	07	69
	506	1A	00	14	17
	507	-	00	05	26
	505	-	00	04	86
	661	1	00	05	67
	661	3	00	24	70

1	2	3	4	5	6
78, MAMADUGU (Continued...)	667	-	00	35	63
	666	1A	00	7	29
	666	2	00	08	10
	508	B	00	09	31
	508	C	00	09	31
	512	2A	00	13	36
	512	1B	00	04	45
	513	2B	00	00	40
	513	1B	00	06	07
	513	1A	00	06	07
	525	B	00	04	05
	525	C	00	08	10
	525	D	00	08	10
	523	3	00	08	91
	523	4A	00	02	83
	523	3A	00	00	81
	394	2A	00	00	81
	394	1B	00	06	48
	394	1A	00	03	24
	394	1B/A	00	04	05
	393	B	00	09	72
	393	A	00	42	51
	392	4A	00	08	91
	392	4B	00	04	86
79, PATHIKONDA	413	B	00	21	86
	415	-	00	08	10
	417	1	00	09	72
	421	1	00	04	05
	422	-	00	08	50
	425	-	00	05	26
	427	-	00	08	91
	428	1	00	02	43
	426	-	00	02	83
	314	3A	00	04	05
	314	3B	00	04	05
	314	3C	00	04	05
	314	4	00	14	57
	314	5	00	03	91
	315	1	00	09	31
	339	A	00	03	24
	341	2	00	06	88
	341	3	00	04	86
	342	A	00	33	60
	343	A	00	02	83
	57	A	00	02	43
	57	B	00	00	81
	58	A	00	08	10
	60	-	00	58	30
	73	1A	00	12	96
	67	-	00	05	26

1	2	3	4	5	6
79, PATHIKONDA (Continued..)	70	1	00	03	64
	68	-	00	03	64
	142	1	00	03	64
	150	4	00	15	79
	150	5A	00	01	21
	150	5B	00	01	21
	150	6	00	01	21
	150	7	00	01	21
	340	-	00	08	91
80, KEELAPALLI	64	5	00	06	88
	64	7	00	06	07
	59	2	00	03	24
	59	1C	00	17	81
	61	1	00	14	57
	61	2A/1	00	04	05
	61	2A/2	00	04	05
	61	2B/3	00	08	91
	110	1A	00	04	05
	110	1B	00	05	26
	117	2B	00	20	24
	117	7	00	11	34
	117	8	00	58	70
	91	2	00	10	53
	91	3	00	12	15
	90	3B	00	04	86
	90	3A	00	04	86
	90	4A	00	02	02
	90	4B	00	01	62
	90	5A	00	28	34
	90	5B	00	22	67
	206	5A	00	10	12
	206	5C	00	18	62
	206	4A	00	06	07
	206	4B	00	06	48
	206	3	00	04	45
	206	2	00	02	83
	208	1	00	06	07
	208	2C	00	14	57
	255	1A	00	03	24
	255	1C	00	03	24
	255	1D	00	03	64
	253	2	00	02	43
	254	2	00	09	72
	75	-	00	14	17
	67	A	00	02	43
	65	A	00	10	93

[F. No. R-25011/5/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 27 मार्च, 2008

का. आ. 681.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 30-06-2007 मे प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. संख्या 1869 तारीख 27-06-2007 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची तालुका-चित्तूर, जिल्ला चित्तूर, राज्य आन्ध्रप्रदेश चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली कि रिफैनेरी से देवनगुडि टॉर्मिनल, बैगलुरु तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड, द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 23-07-07 से जनता को उपलब्ध करा दी गई थी ; और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन ऑयल कॉर्पोरेशन लिमिटेड में सभी विल्लगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा ।

अनुसूची

मंडल : चित्तूर		जिला : चित्तूर		राज्य : आन्ध्रप्रदेश		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	ब्लॉकफल			
1	2	3	4	5	6	
65, अनंतपुरम	211	2	00	34	82	
	212	1	00	12	96	
	213	3A	00	08	10	
	213	3B	00	03	64	
	213	4	00	16	60	
	214	17	00	01	62	
	214	20	00	00	40	
	214	21	00	00	81	
	214	7	00	04	05	
	214	6	00	00	40	
	214	5	00	06	07	
	214	4	00	05	67	
	204	7	00	06	88	
	204	8	00	05	67	
	204	1	00	00	40	
	195	12	00	00	40	
	195	13	00	05	67	
	195	14	00	01	21	
	195	15	00	00	40	
	195	16	00	04	05	

1	2	3	4	5	6
88, अनंतपुरम (कम्पराः...)	195	17	00	02	83
	195	19	00	02	43
	195	21	00	01	21
	178	9A	00	02	83
	178	10	00	06	88
	178	7	00	08	50
	177	6	00	22	67
	177	3	00	07	29
	177	4	00	04	45
	161	16	00	04	86
	163	9	00	08	50
	163	11	00	04	05
	163	12	00	03	64
	163	13	00	03	24
	172	1	00	07	29
	172	4	00	04	86
	172	3	00	03	24
	172	2	00	04	05
	165	18	00	07	69
	165	9	00	04	05
	165	4	00	03	24
	165	3	00	07	29
	165	2	00	08	91
	143	4	00	07	29
	143	5	00	05	67
	143	6	00	06	48
	143	7	00	07	29
	143	8	00	07	29
	143	12	00	07	29
	143	13	00	06	48
	143	16	00	04	05
	143	17	00	04	05
	143	45	00	04	05
	143	19	00	04	05
	142	12	00	07	29
	142	13	00	05	67
	142	15	00	14	57
	108	3	00	22	67
	108	1	00	27	94
	112	5	00	11	74
	112	4	00	06	48
	112	2	00	03	24
	112	1	00	10	12
	114	10	00	02	43
	114	8	00	07	29
	114	5	00	06	88
	115	14	00	06	48
	115	4	00	02	02
	115	8	00	05	67
	115	5	00	04	86
	115	3	00	04	45
	115	2	00	03	24
	15	2	00	06	48
	15	3	00	05	67
	15	4	00	16	19
	25	3	00	21	86
	39	1	00	04	45
	39	8	00	04	05
	39	7	00	03	24
	39	24	00	02	02

1	2	3	4	5	6
55, अनंतपुरम (कल्पना:...)	39	13	00	02	43
	39	14	00	03	64
	39	15	00	02	43
	39	16	00	05	67
	40	4	00	02	83
	40	3	00	01	21
	40	5	00	02	83
	16	2	00	02	43
	63	10	00	00	81
	63	11	00	01	62
	63	12	00	01	62
	63	13	00	01	62
	63	14	00	00	40
	63	19	00	02	43
	63	18	00	02	02
	63	17	00	04	05
	63	27	00	03	64
	63	26	00	03	24
	65	8	00	06	88
	65	11	00	06	88
	65	9	00	00	81
	65	10	00	04	05
	19	4	00	04	05
	19	5	00	02	43
	19	7	00	05	26
	19	8	00	05	26
	19	9	00	06	88
	19	16	00	04	05
	19	17	00	01	62
	19	14	00	07	69
56, आरातोला (मुत्कुर)	279	9	00	01	21
57, तालांबेडु	101	1	00	12	65
	101	2	00	03	24
	101	3	00	01	62
	101	5	00	06	07
	102	-	00	00	81
	65	-	00	03	64
	64	2	00	10	12
	64	3	00	02	83
	64	4	00	06	07
	62	2	00	04	05
	62	3	00	06	88
	53	-	00	14	57
	51	9	00	00	81
	51	10	00	02	02
	51	11	00	00	40
	51	1	00	01	21
	51	6	00	00	81
	52	3A	00	06	07
	52	1D	00	05	67
	52	1C	00	05	26
	52	5A	00	00	40
	52	3B	00	01	62
	63	6	00	00	40
	63	8	00	03	64
	63	3	00	00	40
	69	1B	00	02	43
	52	1B	00	24	29
	69	3	00	02	02

1	2	3	4	5	6
68, विकल्पांगता (क्रमांकः....)	53	3B	00	00	40
	53	7	00	01	21
	53	8	00	01	62
	53	9	00	02	83
	53	10	00	03	64
	53	11	00	02	43
	53	12	00	01	21
	53	8	00	03	24
	53	5	00	01	62
	54	1A	00	07	29
	49	-	00	11	34
	48	-	00	08	50
	42	6C	00	02	43
	42	8	00	02	43
	42	9	00	02	43
	42	10	00	02	02
	37	1	00	04	86
	40	1	00	07	29
	40	3	00	06	88
	110	-	00	09	31
	41	9	00	03	64
	41	10	00	02	83
	41	3	00	04	45
	41	1C	00	04	05
	211	5	00	07	29
	211	3	00	01	62
	211	4	00	04	86
	108	2	00	19	03
	108	3	00	03	64
	218	1	00	03	24
	218	2A4	00	07	29
	218	2A5	00	04	86
	218	2B	00	04	05
	218	2C	00	10	93
	218	2D/A	00	10	93
	218	2E	00	12	15
	121	1B	00	08	10
	121	1E	00	07	69
	121	1F	00	19	03
	212	1	00	07	29
	212	2	00	01	62
	212	3	00	02	43
	213	-	00	01	62
	120	1A	00	07	69
	110	-	00	09	31
	109	1A	00	01	62
	109	2B	00	02	43
	109	2C	00	02	43
	109	4C	00	04	86
	111	1	00	22	27
	109	3	00	10	93
59, पेरुमाल्लाकांडिगा	4	4	00	16	60
	5	9	00	14	17
	6	3A	00	02	43
	6	4A1	00	03	24
	6	4A2	00	03	24

1	2	3	4	5	6
59, पेरुमाल्लाकांडिग (क्रमांकः..	18	7	00	09	72
	15	1	00	04	86
	15	2C	00	00	81
	15	2A	00	01	21
	15	2H	00	06	48
	15	2G	00	01	62
	15	3	00	01	62
	23	11	00	02	83
	23	12	00	02	83
	25	6	00	10	53
	26	-	00	06	48
	29	11	00	00	40
	29	10A1	00	05	67
	29	12B	00	00	81
	30	4	00	07	29
	36	-	00	14	57
	34	1A	00	02	43
	47	-	00	13	36
60, नारिगापल्लि	201	2	00	10	93
	201	3	00	10	12
	201	5	00	14	17
	201	4	00	10	53
	200	2C	00	13	77
	200	2G	00	03	24
	200	2D	00	01	21
	197	6	00	33	60
	197	3	00	08	50
	197	4	00	14	98
	145	1A	00	07	69
	145	2D	00	02	83
	145	2C	00	20	24
	145	1E	00	02	02
	145	1F	00	04	05
	269	9	00	34	01
	269	5A	00	06	07
	269	5B	00	06	07
	269	8	00	01	21
	257	5	00	00	81
	257	2	00	05	67
	257	1	00	17	81
	256	16	00	01	62
	256	17	00	03	24
	256	18	00	08	10
	256	15	00	02	83
	256	14	00	00	40
	256	2	00	02	43
	255	1A	00	16	19
	255	1B	00	15	79

1	2	3	4	5	6
60. नारिगापलिल (क्रमसं...)	252	4	00	13	77
	252	5	00	10	12
	252	6	00	04	05
	251	8	00	06	07
	251	6	00	04	05
	251	7	00	02	43
	251	4	00	04	05
	251	2	00	06	88
	95	1	00	23	48
	95	3	00	08	10
	94	1	00	00	40
	94	2A	00	00	40
	94	2B	00	00	40
	94	2C	00	00	40
	94	2D	00	00	40
	98	19	00	05	26
	98	8	00	14	98
	98	9	00	03	64
	98	11	00	04	86
	98	12	00	02	83
	99	4A	00	02	43
	99	4B	00	04	05
	99	4C	00	02	02
	99	2	00	01	21
	99	7	00	02	83
	99	6	00	00	40
	99	5	00	07	29
	100	1	00	06	48
	100	6	00	13	77
	100	4	00	04	05
	100	3A	00	03	64
	100	3B	00	04	05
	22	1A	00	12	15
	22	1B	00	12	15
	22	2	00	09	72
	79	6	00	03	24
	25	7	00	02	43
	25	6	00	06	07
	25	5	00	01	21
	25	8	00	00	81
	25	4	00	00	81
	78	1F	00	05	26
	78	1E	00	10	53
	78	1B	00	00	40
	15	3	00	05	67
	15	4	00	01	62
	15	1	00	04	86
	77	1B	00	07	29
	77	1A	00	07	29
	19	1	00	04	86

1	2	3	4	5	6
60. नारिगपरिल (क्रमसः...)	19	8	00	03	64
	19	5	00	04	86
	19	2	00	01	21
	19	7	00	01	21
	76	6	00	03	64
	76	5	00	03	24
	76	3	00	00	40
	18	8	00	05	67
	72	9	00	02	02
	72	8	00	02	43
	72	6	00	00	81
	72	5	00	10	12
	72	7	00	02	43
	73	9A	00	00	81
	73	9B	00	04	86
	73	9C	00	05	67
	73	9D	00	04	05
61. अनुपरिल	154	5	00	01	21
	154	4	00	01	21
	154	3	00	06	07
	154	2	00	04	45
	154	10	00	09	72
	154	12	00	02	83
	154	13	00	04	05
	153	1	00	07	69
	153	2	00	03	64
	153	3	00	02	83
	153	4	00	08	10
	153	5	00	02	43
	153	6	00	02	83
	152	3	00	02	83
	152	4	00	07	29
	152	2	00	04	45
	152	8	00	07	69
	150	2	00	11	74
	150	3	00	12	15
	150	4	00	03	64
	150	5	00	03	24
	150	6	00	04	86
	150	8	00	03	24
	151	4	00	02	83
	151	1	00	01	21
	130	2	00	11	74
	130	3	00	10	12
	130	4	00	04	86
	130	5	00	06	07
	128	5A	00	04	05
	128	4	00	04	05
	128	3	00	01	62
	126	6	00	03	24

1	2	3	4	5	6
61. अनुप्पत्ति (क्रमांकः...)	126	5	00	03	64
	126	4	00	07	29
	126	3	00	06	88
	124	4	00	07	69
	124	3	00	05	26
	124	5	00	09	72
	89	-	00	31	58
	86	-	00	23	48
	85	3	00	12	96
	87	1	00	22	27
	87	2	00	01	62
	58	2	00	12	15
	78	1C	00	19	03
	80	1A	00	12	96
	80	1B	00	12	96
	81	-	00	07	69

[फा. सं. आर-25011/5/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 27th March, 2008

S. O. 681.—Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas Number S.O. 1869 dated 30-06-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the land specified in the schedule relating to Mandal Chittoor, District Chittoor, State Andhra Pradesh annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 23-07-2007;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that Right of User in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby direct that the Right of User in the said land shall instead of vesting with the Central Government, vests from the date of publication of this declaration to the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Chittoor		District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area			Sq. Mtr.
			Hectare	Are	6	
1	2	3	4	5	6	
55, ANANTAPURAM	211	2	00	34	82	
	212	1	00	12	96	
	213	3A	00	08	10	
	213	3B	00	03	64	
	213	4	00	16	60	
	214	17	00	01	62	
	214	20	00	00	40	
	214	21	00	00	81	
	214	7	00	04	05	
	214	6	00	00	40	
	214	5	00	06	07	
	214	4	00	05	67	
	204	7	00	06	88	
	204	8	00	05	67	
	204	1	00	00	40	
	195	12	00	00	40	
	195	13	00	05	67	
	195	14	00	01	21	
	195	15	00	00	40	
	195	16	00	04	05	
	195	17	00	02	83	
	195	19	00	02	43	
	195	21	00	01	21	
	178	9A	00	02	83	
	178	10	00	06	88	
	178	7	00	08	50	
	177	6	00	22	67	
	177	3	00	07	29	
	177	4	00	04	45	
	161	16	00	04	86	
	163	9	00	08	50	
	163	11	00	04	05	
	163	12	00	03	64	
	163	13	00	03	24	
	172	1	00	07	29	
	172	4	00	04	86	
	172	3	00	03	24	
	172	2	00	04	05	
	165	18	00	07	69	
	165	9	00	04	05	
	165	4	00	03	24	
	165	3	00	07	29	
	165	2	00	08	91	
	143	4	00	07	29	
	143	5	00	05	67	

1	2	3	4	5	6
65, ANANTAPURAM	143	6	00	06	48
(Continued...)	143	7	00	07	29
	143	8	00	07	29
	143	12	00	07	29
	143	13	00	06	48
	143	16	00	04	05
	143	17	00	04	05
	143	45	00	04	05
	143	19	00	04	05
	142	12	00	07	29
	142	13	00	05	67
	142	15	00	14	57
	108	3	00	22	67
	108	1	00	27	94
	112	5	00	11	74
	112	4	00	06	48
	112	2	00	03	24
	112	1	00	10	12
	114	10	00	02	43
	114	8	00	07	29
	114	5	00	06	88
	115	14	00	06	48
	115	4	00	02	02
	115	8	00	05	67
	115	5	00	04	86
	115	3	00	04	45
	115	2	00	03	24
	15	2	00	06	48
	15	3	00	05	67
	15	4	00	16	19
	25	3	00	21	86
	39	1	00	04	45
	39	8	00	04	05
	39	7	00	03	24
	39	24	00	02	02
	39	13	00	02	43
	39	14	00	03	64
	39	15	00	02	43
	39	16	00	05	67
	40	4	00	02	83
	40	3	00	01	21
	40	5	00	02	83
	16	2	00	02	43
	63	10	00	00	81
	63	11	00	01	62
	63	12	00	01	62
	63	13	00	01	62
	63	14	00	00	40
	63	19	00	02	43
	63	18	00	02	02
	63	17	00	04	05
	63	27	00	03	64
	63	26	00	03	24

1	2	3	4	5	6
55, ANANTAPURAM	65	8	00	06	88
(Continued...)	65	11	00	06	88
	65	9	00	00	81
	65	10	00	04	05
	19	4	00	04	05
	19	5	00	02	43
	19	7	00	05	26
	19	8	00	05	26
	19	9	00	06	88
	19	16	00	04	05
	19	17	00	01	62
	19	14	00	07	69
56, ARATHOLA (MUTHUKUR)	279	9	00	01	21
57, THALAMBEDU	101	1	00	12	55
	101	2	00	03	24
	101	3	00	01	62
	101	5	00	06	07
	102	-	00	00	81
	65	-	00	03	64
	64	2	00	10	12
	64	3	00	02	83
	64	4	00	06	07
	62	2	00	04	05
	62	3	00	06	88
	53	-	00	14	57
	51	9	00	00	81
	51	10	00	02	02
	51	11	00	00	40
	51	1	00	01	21
	51	6	00	00	81
	52	3A	00	06	07
	52	1D	00	05	67
	52	1C	00	05	26
	52	5A	00	00	40
	52	3B	00	01	62
	63	6	00	00	40
	63	8	00	03	64
	63	3	00	00	40
	69	1B	00	02	43
	52	1B	00	24	29
	69	3	00	02	02
58, CHINTALAGUNTA	53	3B	00	00	40
	53	7	00	01	21
	53	8	00	01	62
	53	9	00	02	83
	53	10	00	03	64
	53	11	00	02	43

1	2	3	4	5	6
68, CHINTALAGUNTA	53	12	00	01	21
(continued...)	53	6	00	03	24
	53	5	00	01	62
	54	1A	00	07	29
	49	-	00	11	34
	48	-	00	08	50
	42	6C	00	02	43
	42	8	00	02	43
	42	9	00	02	43
	42	10	00	02	02
	37	1	00	04	86
	40	1	00	07	29
	40	3	00	06	88
	110	-	00	09	31
	41	9	00	03	64
	41	10	00	02	83
	41	3	00	04	45
	41	1C	00	04	05
	211	5	00	07	29
	211	3	00	01	62
	211	4	00	04	86
	108	2	00	19	03
	108	3	00	03	64
	218	1	00	03	24
	218	2A4	00	07	29
	218	2A5	00	04	86
	218	2B	00	04	05
	218	2C	00	10	93
	218	2D/A	00	10	93
	218	2E	00	12	15
	121	1B	00	08	10
	121	1E	00	07	69
	121	1F	00	19	03
	212	1	00	07	29
	212	2	00	01	62
	212	3	00	02	43
	213	-	00	01	62
	120	1A	00	07	69
	110	-	00	09	31
	109	1A	00	01	62
	109	2B	00	02	43
	109	2C	00	02	43
	109	4C	00	04	86
	111	1	00	22	27
	109	3	00	10	93
59, PERUMALLAKANDIGA	4	4	00	16	60
	5	9	00	14	17
	6	3A	00	02	43
	6	4A1	00	03	24
	6	4A2	00	03	24

1	2	3	4	5	6
59. PERUMALLAKANDIGA (continued...)	18	7	00	09	72
	15	1	00	04	86
	15	2C	00	00	81
	15	2A	00	01	21
	15	2H	00	06	48
	15	2G	00	01	62
	15	3	00	01	62
	23	11	00	02	83
	23	12	00	02	83
	25	6	00	10	53
	26	-	00	06	48
	29	11	00	00	40
	29	10A1	00	05	67
	29	12B	00	00	81
	30	4	00	07	29
	36	-	00	14	57
	34	1A	00	02	43
	47	-	00	13	36
60. NARIGAPALLI	201	2	00	10	93
	201	3	00	10	12
	201	5	00	14	17
	201	4	00	10	53
	200	2C	00	13	77
	200	2G	00	03	24
	200	2D	00	01	21
	197	6	00	33	60
	197	3	00	08	50
	197	4	00	14	98
	145	1A	00	07	69
	145	2D	00	02	83
	145	2C	00	20	24
	145	1E	00	02	02
	145	1F	00	04	05
	269	9	00	34	01
	269	5A	00	06	07
	269	5B	00	06	07
	269	8	00	01	21
	257	5	00	00	81
	257	2	00	05	67
	257	1	00	17	81
	256	16	00	01	62
	256	17	00	03	24
	256	18	00	08	10
	256	15-	00	02	83
	256	14	00	00	40
	256	2	00	02	43
	255	1A	00	16	19
	255	1B	00	15	79

1	2	3	4	5	6
60, NAGARIPALLE	252	4	00	13	77
(CONTINUED...)	252	5	00	10	12
	252	6	00	04	05
	251	8	00	06	07
	251	6	00	04	05
	251	7	00	02	43
	251	4	00	04	05
	251	2	00	06	88
	95	1	00	23	48
	95	3	00	08	10
	94	1	00	00	40
	94	2A	00	00	40
	94	2B	00	00	40
	94	2C	00	00	40
	94	2D	00	00	40
	98	19	00	05	26
	98	8	00	14	98
	98	9	00	03	64
	98	11	00	04	86
	98	12	00	02	83
	99	4A	00	02	43
	99	4B	00	04	05
	99	4C	00	02	02
	99	2	00	01	21
	99	7	00	02	83
	99	6	00	00	40
	99	5	00	07	29
	100	1	00	06	48
	100	6	00	13	77
	100	4	00	04	05
	100	3A	00	03	64
	100	3B	00	04	05
	22	1A	00	12	15
	22	1B	00	12	15
	22	2	00	09	72
	79	6	00	03	24
	25	7	00	02	43
	25	6	00	06	07
	25	5	00	01	21
	25	8	00	00	81
	25	4	00	00	81
	78	1F	00	05	26
	78	1E	00	10	53
	78	1B	00	00	40
	15	3	00	05	67
	15	4	00	01	62
	15	1	00	04	86
	77	1B	00	07	29
	77	1A	00	07	29
	19	1	00	04	86

1	2	3	4	5	6
60, NARIGAPALLI	19	8	00	03	64
(CONTINUED...)	19	6	00	04	86
	19	2	00	01	21
	19	7	00	01	21
	76	6	00	03	64
	76	5	00	03	24
	76	3	00	00	40
	18	8	00	05	67
	72	9	00	02	02
	72	8	00	02	43
	72	6	00	00	81
	72	5	00	10	12
	72	7	00	02	43
	73	9A	00	00	81
	73	9B	00	04	86
	73	9C	00	05	67
	73	9D	00	04	05
61, ANUPPALLE	154	5	00	01	21
	154	4	00	01	21
	154	3	00	06	07
	154	2	00	04	45
	154	10	00	09	72
	154	12	00	02	83
	154	13	00	04	05
	153	1	00	07	69
	153	2	00	03	64
	153	3	00	02	83
	153	4	00	08	10
	153	5	00	02	43
	153	6	00	02	83
	152	3	00	02	83
	152	4	00	07	29
	152	2	00	04	45
	152	8	00	07	89
	150	2	00	11	74
	150	3	00	12	15
	150	4	00	03	64
	150	5	00	03	24
	150	6	00	04	86
	150	8	00	03	24
	151	4	00	02	83
	151	1	00	01	21
	130	2	00	11	74
	130	3	00	10	12
	130	4	00	04	86
	130	5	00	06	07
	128	5A	00	04	05
	128	4	00	04	05
	128	3	00	01	62
	126	6	00	03	24

1.	2.	3.	4.	5.	6.
61, ANUPALLE	126	5	00	03	64
(CONTINUED...)	126	4	00	07	29
	126	3	00	06	88
	124	4	00	07	69
	124	3	00	05	26
	124	5	00	09	72
	89	-	00	31	58
	86	-	00	23	48
	85	3	00	12	96
	87	1	00	22	27
	87	2	00	01	62
	58	2	00	12	15
	78	1C	00	19	03
	80	1A	00	12	96
	80	1B	00	12	96
	81	-	00	07	69

[F. No. R-25011/5/2007-O.R.-I]

S.K. CHITKARA, Under Secy.

नई दिल्ली, 27 मार्च, 2008

का. आ. 682.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 30.06.2007 मे प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. संख्या 1870 तारीख 27-06-2007 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची मंडल -यादामारि, जिला चित्तूर, राज्य आन्ध्रप्रदेश मे चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुडि टर्मिनल, बैंगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड, द्वारा पाइपलाइन बिछाने के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 23-07-07 को जनता को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लगमों से मुक्त होकर प्रकाशन की तारीख से इंडियन ऑयल कॉर्पोरेशन लिमिटेड निहित होगा।

अनुसूची

मैडल : यादामारि

जिला : चित्तूर

राज्य : आन्ध्रप्रदेश

गाँव का नाम	सरकारी सं- खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एकर	बग्ग मिटर
1	2	3	4	5	6
63, माधवाम	54	1A	00	00	40
	54	1D	00	02	02
	54	1B	00	01	62
	54	1C	00	02	02
	54	1F	00	00	81
	54	1G	00	02	83
	46	23A	00	02	83
	46	21C	00	01	21
	46	6C	00	04	05
	46	22A	00	02	43
	46	22B	00	09	31
	46	25	00	01	21
	46	2	00	01	21
	46	3	00	03	24
	46	6B	00	12	96
	56	6B	00	01	62
	56	6C	00	01	21
	47	1A	00	17	41
	47	1A1	00	00	81
	47	2B2	00	04	45
	47	2A1	00	01	21
	45	5A	00	07	29
	45	2A	00	13	77
	84	4F	00	10	93
	84	4E	00	03	64
	85	6A	00	11	74
	85	6B	00	11	74
	62	6G1	00	02	83
	62	6G	00	05	26
	62	2F	00	00	81
64, पेरियावाडि	249	2	00	10	53
	249	1D1	00	07	29
	249	1A1	00	14	57
	250	-	00	19	03
	246	3C	00	11	34
	246	3A	00	05	26
	246	3B	00	05	26
	246	1B	00	16	19
	246	1A2	00	02	83
	243	1	00	12	55
	242	6	00	11	34
	242	5	00	03	24

1	2	3	4	5	6
64, ऐरियांवाडि (क्रमसं....)	242	2	00	03	64
	242	3	00	04	45
	239	2A	00	04	05
	239	1	00	04	86
	237	2	00	05	67
	231	1C	00	29	55
	231	1F	00	07	29
	231	1D	00	05	26
	231	1B	00	00	40
	231	1A	00	20	24
	234	-	00	24	29
65, यादमारि	434	1	00	13	36
	434	2	00	03	24
	435	1	00	14	57
	431	1	00	16	60
	430	1	00	06	07
	430	2	00	06	07
	428	1	00	15	38
	428	2	00	10	12
	416	1	00	08	50
	415	1	00	02	83
	415	2	00	03	64
	415	3	00	02	83
	412	-	00	02	43
	397	3	00	04	86
	397	4	00	03	64
	397	5	00	02	83
	397	6	00	02	43
	397	1	00	01	62
	396	3	00	07	69
	396	1	00	02	83
	389	1	00	17	81
	390	-	00	16	19
	391	5	00	07	29
	392	-	00	01	62
	81	-	00	08	50
	79	-	00	07	29
	80	2	00	03	24
	80	1	00	10	53
	66	-	00	04	86
	67	1B	00	08	50
	67	1A	00	04	05
	69	3	00	04	05
	70	-	00	22	67
	73	3A	00	03	64
	73	3B	00	02	02
	73	1A	00	06	07
	73	1B	00	04	86
	74	-	00	18	60

1	2	3	4	5	6
65, यादामारि (क्रमसः....)	129	12	00	05	67
	130	22C	00	04	86
	130	22A	00	02	83
	130	21	00	03	24
	130	22B	00	00	40
	124	2	00	03	24
	123	-	00	08	10
	131	-	00	23	48
	120	-	00	10	53
	139	6	00	06	88
	139	5B	00	06	48
	139	4B	00	05	26
	140	2F	00	11	74
	140	2D	00	04	86
	140	2E	00	01	62
	140	2B	00	01	62
	140	2A	00	01	21
	140	2C	00	01	21
	141	5	00	04	45
	141	6	00	08	10
	141	7	00	10	53
	141	2	00	08	10
	141	3	00	00	81
	141	4	00	00	81
	144	4	00	23	48
	144	5	00	23	48
	150	1A	00	24	29
	152	3	00	05	26
	152	4	00	04	86
	152	2	00	04	05
	152	1	00	17	00
	152	10	00	01	21
66, बुडिक्ट्रीडिपल्से	77	3	00	24	29
	77	2	00	11	34
	77	1	00	11	74
	76	4	00	06	48
	75	1	00	10	12
	71	4	00	02	43
	70	1	00	02	02
	87	1	00	53	04
	54	1	00	15	79
	57	3	00	03	24
	57	1	00	12	15
	57	6	00	12	15
	53	3	00	02	43
	53	2	00	04	05

1	2	3	4	5	6
66, बुडिटरेडिप्ल्स (क्रमांकः...)	40	4	00	03	64
	41	8	00	02	43
	41	6	00	00	40
	42	3	00	22	27
	42	4	00	02	83

[फा. सं. आर-25011/5/2007-ओ.आर.-I]

एस. के. चिट्कारा, अवर सचिव

New Delhi, the 27th March, 2008

S. O. 682.— Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas, S.O Number 1870 dated 30-06-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right Of User in the land specified in the schedule relating to Mandal Yadamari, Dist. Chittoor, State Andhra Pradesh annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 23-07-2007;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that Right Of User in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the Right Of User in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby direct that the Right Of User in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Yadamari		District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area			
			Hectare	Are	Sq. Mtr.	
1	2	3	4	5	6	
63, MADHAVARAM	54	1A	00	00	40	
	54	1D	00	02	02	
	54	1B	00	01	62	
	54	1C	00	02	02	
	54	1F	00	00	81	
	54	1G	00	02	83	
	46	23A	00	02	83	
	46	21C	00	01	21	
	46	6C	00	04	05	
	46	22A	00	02	43	
	46	22B	00	09	31	
	46	25	00	01	21	
	46	2	00	01	21	
	46	3	00	03	24	
	46	6B	00	12	96	
	56	6B	00	01	62	
	56	6C	00	01	21	
	47	1A	00	17	41	
	47	1A1	00	00	81	
	47	2B2	00	04	45	
	47	2A1	00	01	21	
	45	5A	00	07	29	
	45	2A	00	13	77	
	84	4F	00	10	93	
	84	4E	00	03	64	
	85	6A	00	11	74	
	85	6B	00	11	74	
	62	6G1	00	02	83	
	62	6G	00	05	26	
	62	6F	00	00	81	
64, PERIYAMBADI	249	2	00	10	53	
	249	1D1	00	07	29	
	249	1A1	00	14	57	
	250	-	00	19	03	
	246	3C	00	11	34	
	246	3A	00	05	26	
	246	3B	00	05	26	
	246	1B	00	16	19	
	246	1A2	00	02	83	
	243	1	00	12	55	
	242	6	00	11	34	
	242	5	00	03	24	

1	2	3	4	5	6
64, PERIYAMBADI	242	2	00	03	64
(Continued...)	242	3	00	04	45
	239	2A	00	04	05
	239	1	00	04	86
	237	2	00	05	67
	231	1C	00	29	55
	231	1F	00	07	29
	231	1D	00	05	26
	231	1B	00	00	40
	231	1A	00	20	24
	234	-	00	24	29
65, YADAMARI	434	1	00	13	36
	434	2	00	03	24
	435	1	00	14	57
	431	1	00	16	60
	430	1	00	06	07
	430	2	00	06	07
	428	1	00	15	38
	428	2	00	10	12
	416	1	00	08	50
	415	1	00	02	83
	415	2	00	03	64
	415	3	00	02	83
	412	-	00	02	43
	397	3	00	04	86
	397	4	00	03	64
	397	5	00	02	83
	397	6	00	02	43
	397	1	00	01	62
	396	3	00	07	69
	396	1	00	02	83
	389	1	00	17	81
	390	-	00	16	19
	391	5	00	07	29
	392	-	00	01	62
	81	-	00	08	50
	79	-	00	07	29
	80	2	00	03	24
	80	1	00	10	53
	66	-	00	04	86
	67	1B	00	08	50
	67	1A	00	04	05
	69	3	00	04	05
	70	-	00	22	67
	73	3A	00	03	64
	73	3B	00	02	02
	73	1A	00	06	07
	73	1B	00	04	86
	74	-	00	16	60

1	2	3	4	5	6
65, YADAMARI (Continued...)					
	129	12	00	05	67
	130	22C	00	04	86
	130	22A	00	02	83
	130	21	00	03	24
	130	22B	00	00	40
	124	2	00	03	24
	123	-	00	08	10
	131	-	00	23	48
	120	-	00	10	53
	139	6	00	06	88
	139	5B	00	06	48
	139	4B	00	05	26
	140	2F	00	11	74
	140	2D	00	04	86
	140	2E	00	01	62
	140	2B	00	01	62
	140	2A	00	01	21
	140	2C	00	01	21
	141	5	00	04	45
	141	6	00	08	10
	141	7	00	10	53
	141	2	00	08	10
	141	3	00	00	81
	141	4	00	00	81
	144	4	00	23	48
	144	5	00	23	48
	150	1A	00	24	29
	152	3	00	05	26
	152	4	00	04	86
	152	2	00	04	05
	152	1	00	17	00
	152	10	00	01	21
66, BUDITIREDDIPALLE					
	77	3	00	24	29
	77	2	00	11	34
	77	1	00	11	74
	76	4	00	06	48
	75	1	00	10	12
	71	4	00	02	43
	70	1	00	02	02
	87	1	00	53	04
	54	1	00	15	79
	57	3	00	03	24
	57	1	00	12	15
	57	6	00	12	15
	53	3	00	02	43
	53	2	00	04	05

1	2	3	4	5	6
66, BUDITIREDDIPALLE	40	4	00	03	64
(Continued...)	41	8	00	02	43
	41	6	00	00	40
	42	3	00	22	27
	42	4	00	02	83

[F. No. R-25011/5/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 27 मार्च, 2008

का. आ. 683.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 30.06.2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. संख्या 1863 तारीख 27-06-2007 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची मंडल-बंगारुपालेम, जिला चित्तूर, राज्य आन्ध्रप्रदेश में चैमै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनरी से देवनगुहि टर्मिनल, बैगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड, द्वारा पाइपलाइन बिछाने के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 23-07-07 को जनता को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बाय अभी विल्लगमों से मुक्त होकर प्रकाशन की तारीख से इंडियन ऑयल कॉर्पोरेशन लिमिटेड निहित होगा ।

अनुसूची

मंडल : बंगलादेश	जिला : चित्तूर			राज्य : आन्ध्रप्रदेश		
	गाँव का नाम	सर्वेक्षण से- खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
				हेक्टर	एकर	वर्ग मिटर
	1	2	3	4	5	6
67. कुमाइपल्ले						
	105	4	00	20	65	
	100	6	00	02	02	
	100	4A	00	02	83	
	100	4B	00	02	83	
	100	4C	00	02	83	
	100	3A	00	02	83	
	100	3B	00	02	83	
	100	3C	00	02	83	
	100	2	00	08	50	
	100	1	00	16	60	
	83	5A	00	08	10	
	83	5B	00	08	10	
	83	5C	00	08	10	
	82	2	00	09	31	
	82	1A	00	05	67	
	82	1B	00	08	88	
	62	A	00	10	53	
	82	B	00	12	55	
	59	5B	00	02	02	
	56	3	00	21	46	
	51	3A	00	03	64	
	51	3D	00	19	84	
	51	3F	00	01	82	
68. कल्पुरुपल्ले						
	340	3	00	06	48	
	340	2	00	00	40	
	331	1	00	12	55	
	203	4	00	10	12	
	203	5	00	02	02	
	195	2A	00	04	88	
	195	2B	00	13	38	
	192	1	00	33	20	
	177	10	00	04	45	
	177	8	00	07	29	
	177	5A	00	07	29	
	177	7	00	02	43	
	177	8	00	03	24	
	177	3	00	03	24	
	177	2	00	02	43	
	177	1	00	25	10	
	171	1	00	27	53	
	151	2	00	20	24	

1	2	3	4	5	6
68, कल्लुरुपल्ले (क्रमशः...)	49	—	00	17	00
	46	3	00	00	81
	44	4	00	26	72
	44	2G	00	10	12
	40	1G	00	14	17
	40	1E	00	02	83
	40	1D	00	04	05
	40	1C	00	12	15
	40	1B	00	04	05
	40	A	00	05	26
	24	2	00	03	64
69, जंबुवरिपल्ले	105	2	00	38	46
	106	4	00	07	29
	103	4	00	03	64
	103	3	00	08	10
	103	5	00	02	02
	102	1	00	16	19
	101	6	00	08	10
	101	3	00	10	12
	99	2	00	06	07
	72	2	00	17	41
	73	9	00	05	67
	55	6	00	19	43
	55	7	00	10	53
	55	5	00	02	43
	55	4	00	04	45
	55	3	00	11	34
	55	2	00	02	83
	56	1	00	05	67
	56	7	00	07	29
	33	—	00	37	25
	36	8	00	00	81
	36	5	00	03	64
	36	9	00	01	21
	36	3D	00	00	81
	36	3C	00	02	43
	36	3E	00	01	21
	44	14	00	05	67
70, गोल्लापल्ले	46	1	00	07	29
	43	1B	00	01	21
	43	3	00	01	62
	43	4A	00	12	15
	42	1B	00	02	43
	42	3	00	04	45
	42	1A	00	06	48
	42	2	00	07	29

	1	2	3	4	5	6
70, गोल्लापल्ले (क्रमांकः....)		26	5	00	10	53
		26	4	00	04	05
		26	6	00	11	74
		26	7	00	07	69
		23	2	00	34	01
		23	1	00	00	40
		18	7	00	08	91
		18	4	00	08	91
		18	3	00	06	88
		18	2	00	09	31
		17	2	00	09	31
		88	2	00	12	15
		88	1	00	08	10
		89	-	00	70	85
		91	-	00	14	17
		90	4	00	24	29
		145	1	00	06	07
		145	3	00	30	77
		145	4			
		147	7	00	16	19
		147	6	00	14	57
		147	2	00	00	81
		148	3	00	33	20
		150	5	00	16	19
		175	-	00	63	16
		182	-	00	37	65
		181	-	00	16	19
		180	2	00	02	83
71, पालेश		257	-	00	19	03
72, मोगिनि		253	1	00	27	13
		252	1C	00	14	17
		249	1	00	00	40
		250	-	00	52	23
		264	1	00	52	63
		284	-	00	15	38
		282	2	00	06	07
		282	1	00	04	86
		283	4	00	03	24
		283	1	00	07	29
		283	2	00	07	29
		290	2	00	10	12
		290	4	00	05	26
		290	3	00	08	10
		277	4	00	12	55
		211	-	00	03	64

1	2	3	4	5	6
72, मोगिलि (क्रमशः....)	144	4	00	16	19
	144	2	00	26	72
	146	3	00	07	29
	146	8	00	03	64
	146	2	00	10	12
	148	5	00	07	69
	149	10	00	03	64
	149	9	00	04	86
	150	13	00	00	81
	150	4	00	15	79
	150	7	00	03	24
	150	5	00	11	74
	150	6	00	01	62
	153	1	00	00	81
	173	3	00	03	64
	171	5	00	03	24
	171	4	00	10	12
	171	1	00	02	43
	171	2	00	16	60
	172	3	00	02	83
	169	5	00	07	29
	169	1	00	12	55
	83	3	00	16	19
	83	1B	00	1	21
	83	1A	00	21	86
	84	3	00	8	10
	84	2	00	6	88
	85	2	00	10	53
	85	1	00	5	26
	86	11	00	3	64
	86	10	00	4	45
	86	9	00	5	67
	86	7	00	4	86
	86	3	00	2	83
	86	1	00	19	03
	101	4	00	20	65
	101	2	00	14	17
	101	1	00	11	34
	99	3D	00	44	94
	49	4	00	8	10
	49	3	00	17	41
	50	4	00	16	19
	50	3	00	3	64

1	2	3	4	5	6
72, मोगिलि (क्रमसः....)	48	3	00	13	77
	17	4	00	05	26
	12	3	00	10	12

[फा. सं. आर-25011/5/2007-ओ.आर-1]

एस. के. चिटकारा, अधर सचिव

New Delhi, the 27th March, 2008

S.O. 683.—Whereas by the notification of the Government of India, Ministry of Petroleum and Natural Gas, S.O Number 1863 dated 30-06-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right Of User in the land specified in the schedule relating to Mandal Bangarupalem Dist. Chittoor, State Andhra Pradesh annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 23-07-2007;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that Right Of User in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the Right Of User in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby direct that the Right Of User in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Bangarupalem		District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area			
			Hectare	Are	Sq. Mtr.	
1	2	3	4	5	6	
67, KURMAIPALLE	105	4	00	20	65	
	100	6	00	02	02	
	100	4A	00	02	83	
	100	4B	00	02	83	
	100	4C	00	02	83	
	100	3A	00	02	83	
	100	3B	00	02	83	
	100	3C	00	02	83	
	100	2	00	08	50	
	100	1	00	16	60	
	83	5A	00	08	10	
	83	5B	00	08	10	
	83	5C	00	08	10	
	82	2	00	09	31	
	82	1A	00	05	87	
	82	1B	00	06	88	
	62	A	00	10	53	
	82	B	00	12	55	
	59	5B	00	02	02	
	58	3	00	21	46	
	51	3A	00	03	64	
	51	3D	00	19	84	
	51	3F	00	01	82	
68, KALLURUPALLE	340	3	00	06	48	
	340	2	00	00	40	
	331	1	00	12	55	
	203	4	00	10	12	
	203	5	00	02	02	
	195	2A	00	04	88	
	195	2B	00	13	36	
	192	1	00	33	20	
	177	10	00	04	45	
	177	8	00	07	29	
	177	5A	00	07	29	
	177	7	00	02	43	
	177	6	00	03	24	
	177	3	00	03	24	
	177	2	00	02	43	
	177	1	00	25	10	
	171	1	00	27	53	
	151	2	00	20	24	

1	2	3	4	5	6
68, KALLURUPALLE	49	-	00	17	00
(Continued...)	46	3	00	00	81
	44	4	00	26	72
	44	2G	00	10	12
	40	1G	00	14	17
	40	1E	00	02	83
	40	1D	00	04	05
	40	1C	00	12	15
	40	1B	00	04	05
	40	A	00	05	26
	24	2	00	03	64
69, JAMBUVARIPALLI	105	2	00	38	46
	106	4	00	07	29
	103	4	00	03	64
	103	3	00	08	10
	103	5	00	02	02
	102	1	00	16	19
	101	6	00	08	10
	101	3	00	10	12
	99	2	00	06	07
	72	2	00	17	41
	73	9	00	05	67
	55	6	00	19	43
	55	7	00	10	53
	55	5	00	02	43
	55	4	00	04	45
	55	3	00	11	34
	55	2	00	02	83
	56	1	00	05	67
	56	7	00	07	29
	33	-	00	37	25
	36	8	00	00	81
	36	5	00	03	64
	36	9	00	01	21
	36	3D	00	00	81
	36	3C	00	02	43
	36	3E	00	01	21
	44	14	00	05	67
70, GOLLAPALLE	46	1	00	07	29
	43	1B	00	01	21
	43	3	00	01	62
	43	4A	00	12	15
	42	1B	00	02	43
	42	3	00	04	45
	42	1A	00	06	48
	42	2	00	07	29

1	2	3	4	5	6
70, GOLLAPALLE (Continued...)	26	5	00	10	53
	26	4	00	04	05
	26	6	00	11	74
	26	7	00	07	69
	23	2	00	34	01
	23	1	00	00	40
	18	7	00	08	91
	18	4	00	08	91
	18	3	00	06	88
	18	2	00	09	31
	17	2	00	09	31
	88	2	00	12	15
	88	1	00	08	10
	89	-	00	70	85
	91	-	00	14	17
	90	4	00	24	29
	145	1	00	06	07
	145	3	00	30	77
	145	4			
	147	7	00	16	19
	147	6	00	14	57
	147	2	00	00	81
	148	3	00	33	20
	150	5	00	16	19
	175	-	00	63	16
	182	-	00	37	65
	181	-	00	16	19
	180	2	00	02	83
71, PALERU	257	-	00	19	03
72, MOGILI	253	1	00	27	13
	252	1C	00	14	17
	249	1	00	00	40
	250	-	00	52	23
	264	1	00	52	63
	264	-	00	15	38
	282	2	00	06	07
	282	1	00	04	86
	283	4	00	03	24
	283	1	00	07	29
	283	2	00	07	29
	290	2	00	10	12
	290	4	00	05	26
	290	3	00	08	10
	277	4	00	12	55
	211	-	00	03	64

1	2	3	4	5	6
72, MOGILI (Continued...)	144	4	00	16	19
	144	2	00	26	72
	146	3	00	07	29
	146	8	00	03	64
	146	2	00	10	12
	148	5	00	07	69
	149	10	00	03	64
	149	9	00	04	86
	150	13	00	00	81
	150	4	00	15	79
	150	7	00	03	24
	150	5	00	11	74
	150	6	00	01	62
	153	1	00	00	81
	173	3	00	03	64
	171	5	00	03	24
	171	4	00	10	12
	171	1	00	02	43
	171	2	00	16	60
	172	3	00	02	83
	169	5	00	07	29
	169	1	00	12	55
	83	3	00	16	19
	83	1B	00	1	21
	83	1A	00	21	86
	84	3	00	8	10
	84	2	00	6	88
	85	2	00	10	53
	85	1	00	5	26
	86	11	00	3	64
	86	10	00	4	45
	86	9	00	5	67
	86	7	00	4	86
	86	8	00	2	83
	86	1	00	19	03
	101	4	00	20	65
	101	2	00	14	17
	101	1	00	11	34
	99	3D	00	44	94
	49	4	00	8	10
	49	3	00	17	41
	50	4	00	16	19
	50	3	00	3	64
	48	3	00	13	77
	17	4	00	05	26
	12	3	00	10	12

[F. No. R-25011/5/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 3 मार्च, 2008

का.आ. 684.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 54/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2008 को प्राप्त हुआ था।

[सं. एल-42012/229/2001-आई आर(सीएम-11)]

अजय कुमार गौड़, डेरेक अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd March, 2008

S.O. 684.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research and their workmen, received by the Central Government on 03-03-2008.

[No. L-42012/229/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
KANPUR

Industrial Dispute No. 54 of 2002

In the matter of dispute between Smt. Raj Kumari W/o Sri Santosh C/o Shri Rajendra Prasad Shukla 115/193 A. 2 Maswanpur Rawatpur, Kanpur.

AND

The Director,
Indian Institute of Pulse Research
G.T.Road Kalyanpur, Kanpur.

AWARD

1. The Central Government, MOL, New Delhi, *vide* notification No.L-42012/229/2001-IR (CM-II) dated 15-7-2002 has referred the following dispute for adjudication to this tribunal :

“Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Smt. Raj Kumari W/o Sri Santosh working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?”

2. The case of the workman in short is that the worker has been employed to perform the work of permanent

nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management.

The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated and in the service with the back wages, consequently benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that the exist any valid Industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorning recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the

workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled

for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी. आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 40/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2008 को प्राप्त हुआ था।

[सं. एल-42012/230/2001-आई आर(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 685.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research and their workmen, received by the Central Government on 03-03-2008.

[No. L-42012/230/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRIR. G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
KANPUR.

Industrial Dispute No. 40 of 2002

In the matter of dispute between Smt. Phoolmati W/o Sri Ram Bharosey C/o Sri Rajendra Prasad Shukla 115/193 A-2 Maswanpur Rawatpur Kanpur.

AND

The Director,
Indian Institute of Pulse Research
G. T. Road Kalyanpur, Kanpur.

AWARD

1. The Central Government, MOL, New Delhi, vide notification No.L-42012/230/2001(IR) (CM-II) dated 15-7-2002 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Phoolmati W/o Sri Ram Bharosey working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not, to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a Licensed contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management.

The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days of still she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of her reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising her in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid Industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the emolument in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorning recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments

were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is their own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which she is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or he was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled

for any relief as claimed by her. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 686—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी. आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 39/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2008 को प्राप्त हुआ था।

[सं. एल-42012/231/2001-आई आर(सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 686.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research and their workmen, received by the Central Government on 03-03-2008

[No. L-42012/231/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G SHUKLA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 39 of 2002

In the matter of dispute between Smt. Maya Devi W/o Sri Sukhwari Lal

C/o Sri. Rajendra Prasad Shukla 115/193 A. 2, Maswanpur Rawatpur, Kanpur.

AND

The Director,
Indian Institute of Pulse Research,
G. T. Road, Kalyanpur, Kanpur.

AWARD

1. The Central Government, MOL, New Delhi, vide notification No L-42012/231/2001-IR (CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal :

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Maya Devi W/o

Sri Sukhwari Lal working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party? It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days of till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of her reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising her in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid Industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorning recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of Industrial

Disputes are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 687.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 44/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2008 को प्राप्त हुआ था।

[सं. एल-42012/237/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 687.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research and their workmen, received by the Central Government on 03-03-2008

[No. L-42012/237/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 44 of 2002

In the matter of dispute between Shri Vinod Kumar S/o Sri Collector C/o Sri Rajendra Prasad Shukla 115/193 A.2 Maswanpur Rawatpur, Kanpur.

AND

The Director
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur, Kanpur.

AWARD

1. Central Government, MOL, New Delhi, *vide* notification No. L-42012/237/2001-IR (CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal.

Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Sri Vinod Kumar S/o Sri Collector working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on.... It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman an with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from.... before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management.

The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite Party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman ever remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid Industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity what soever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the

opposite party is competent to make appointment dehorng recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 688.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 43/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/238/2001-आई आर(सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 688.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the industrial dispute between the management of Indian Institute of Pulse Research, and their workman, received by the Central Government on 3-3-2008.

[No. L-42012/238/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRISING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR
Industrial Dispute No. 43 of 2002

In the matter of dispute between

Shri Shrawan Kumar
C/o Sh. Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur, Kanpur

AND

The Director
Indian Institute of Pulse Research
G.T. Road Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/238/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Shrawan Kumar S/o Beta Lal working as contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days or till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the

opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 689.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, कानपुर के पंचाट (संदर्भ संख्या 42/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/239/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 689.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the industrial dispute between the management of Indian Institute of Pulse Research, and their workman, received by the Central Government on 3-2-2008.

[No. L-42012/239/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 42 of 2002

In the matter of dispute between

Shri Sanjay

S/o Sri Pyare Lal

C/o Sh. Rajendra Prasad Shukla

115/193 A.2 Maswanpur Rawatpur, Kanpur

AND

The Director,
Indian Institute of Pulse Research
G.T. Road, Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/239/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Sri Sanjay S/o Sri Pyare Lal working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter

by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorng recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman

cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 690.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 52/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/242/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 690.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/242/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 52 of 2002

In the matter of dispute between

Shri Subhash Chand
S/o Sri Ram Sewak
C/o Sh. Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur, Kanpur

AND

The Director
Indian Institute of Pulse Research
G.T. Road Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/242/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Shri Subhash S/o Sri Ram Sewak working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to superwise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having

enaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment de horing recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that

there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 691.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 54/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/221/2005-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 691.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2006) of the Central Government Industrial Tribunal-Cum Labour-Court-II, New Delhi, as shown in the Annexure in the Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 3-3-2008.

[No. L-12012/221/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II

Presiding Officer : R. N. RAI I. D. No. 54/2006

In the matter of
Shri R. L. Trikha,
C/o. All India Bank Staff Association,
33-34, Bank Enclave, Ring Road,
Rajouri Garden, New Delhi -110027. ...Claimants

VERSUS

The Assistant General Manager,
State Bank of India,
Region-V, SBI,
Delhi Zonal Office,
11, Parliament Street,
New Delhi-110001. ...Respondent

AWARD

The Ministry of Labour by its letter No.L- 12012/221/2005 IR (B-I) IR-(M) Central Government dt.26-06-2006 has referred the following point for adjudication. The point runs as hereunder:—

“Whether the action of the management of State Bank of India in dismissal from the service of Sh.R.L. Trikha, Clerk-cum-Cashier w.e.f 26-08-2004 is just and legal? If not, to what relief the workman is entitled to?”

The workman-applicant has filed claim statement. In the claim-statement it has been stated that the workman joined bank service as Clerk-cum-Cashier in the permanent capacity on 20-09-1980 at Chandigarh LHO and later on transferred to Faridabad Branch and posted at CRI, Faridabad Branch at the material time of the said case.

That the workman was placed under suspension for certain alleged charges on 25-09-1995.

That the management also filed an FIR with the Police after one year of the alleged incident. The police did not take any action against the workman as there was not financial loss to the bank.

That the management issued a charge-sheet to the workman vide memo dated 19-06-1998. The workman denied the charges as these were false and baseless.

That the management appointed one Shri Rahul Sharma, AGM as Inquiry Officer. That the workman was not the member of the recognized union of the bank.

That the Inquiry Officer has been insisting the workman that he should himself represented in the inquiry by a leader of the recognized union of SBI. The leaders of the recognized union were enemical towards the workman due to trade union rivalry, therefore, they refused to represent the workman but still the Inquiry Officer as well as the management had been repeatedly insisting that the workman can only be permitted to be represented by a leader of the recognized union which was most unfair approach.

That the workman somehow persuaded Shri V.K. Malik, employee of Sarai Khawaja Branch and a leader of NCBE to represent him in the inquiry who after attending

the inquiry on two-three dates, withdrew himself. He told that he cannot defend the workman as the leaders of recognized union have objected and directed him not to represent the workman.

That as the workman has been the member of All India Bank Staff Association, since long which is a registered union of Bank employees and Shri J.N. Kapoor and Shri J.K. Sawhney are its General Secretary and Dy. General Secretary respectively.

That in terms of Para 521 [10(a)] of the Sastry Award an employee may be permitted to be defended by a representative of a registered union of the bank employees or with the permission of the bank by a lawyer.

That the workman submitted a representation to the Inquiry Officer vide his letter dated 15-03-2000 requesting him to be represented by Shri J.K. Sawhney, Dy. General Secretary of All India Bank Staff Association which is a registered union of the bank employees of which the workman is a member.

That the workman again represented vide his letter dated 24-03-2000 to the Inquiry Officer that in case the bank is not permitting him to be represented by a representative of registered union of bank employees then he should be permitted to be defended by Shri Ashok Mehra, Assistant, SBI, Service Branch, New Delhi which request was made on the instructions of the Inquiry officer by the workman but the said letter was not replied.

That the workman again wrote a letter to the Disciplinary Authority (Asstt. General Manager, Region -V) on 01-04-2000 complaining against the Inquiry Officer that he is denying fair and reasonable opportunity to the workman to represent himself in the inquiry through representative of his choice.

That the workman again wrote a letter dated 01-05-2000 in this regard to the Disciplinary Authority (Asstt. General Manager, Region-V).

That the workman again represented in this regard to Shri Rahul Sharma, Inquiry Officer vide his letter dated 31-05-2000.

That the workman again represented in this regard to the Inquiry Officer vide his letter dated 17-07-2000.

That the workman also represented in this regard to the Disciplinary Authority (Asstt. General Manager, Region-V) vide his letter dated 29-07-2000.

That all the above letters were neither responded nor any decision was taken. The Inquiry Officer illegally held the ex-parte inquiry without providing the workman the right of representation through the representative of his choice as per provisions of the Sastry Award.

Now based on the said illegal ex-parte inquiry held against the provisions of Sastry Award, the Disciplinary Authority (Asstt. General Manager, Region-V) has tentatively decided to dismiss the workman from the bank service which action on his part is illegal and malafide.

The workman prayed the Asstt. General Manager, Region—V, SBI, Delhi Zonal Office not to pass the dismissal order until the issue of representation in the inquiry is decided by your goodself.

That the management denied the workman fair and reasonable opportunity to defend himself in the inquiry and they thus violated the principles of natural justice and legal provisions of Sastry Award in this regard.

That the inquiry officer held ex-parte inquiry which was illegal, unfair and unjustified.

That as per rules, the workman was entitled to full wages after expiry of one year from the date of suspension i.e. 25-09-1995, but the same were not paid to him despite repeated requests, with a view to harass and victimize him.

That the workman raised an industrial dispute in regard to non-payment of full wages before your honour through the General Secretary of his union i.e. All India Bank Staff Association vide their letter dated 15-04-2004, on the basis of which the management released full wages w.e.f. 15-09-1996.

That after the release of full wages from back date as per settlement dated 06-05-2004, referred to in para 23 above the Asstt. General Manager, Region-V dismissed the workman vide his letter dated 26-08-2004 without providing him fair and reasonable opportunity to defend himself.

That the workman filed an appeal before the Appellate Authority i. e. Dy. General Manager, SBI, Delhi Zonal Office- II, New Delhi vide his letter dated 04-10-2004

That the Appellate Authority acted mechanically and did not decide the appeal judiciously. The appeal was dealt with by him in a casual and sham show manners. The issues raised by the workman in his appeal were neither dealt with nor disposed of by him. He summarily rejected his appeal vide his order dated 31-03-2005 delivered to the workman on 20-04-2005.

That ex-parte inquiry proceedings, personal hearing and appeal in this case were sham show. No fair and reasonable opportunity was granted to the workman by the management in this case at any stage. No criminal case was proceeded against the workman by the police on the basis of FIR filed by the bank. No financial loss was caused to the bank. No legal documentary as well as oral evidence was produced by the management to prove the charges. Findings of the inquiry were based on ex-parte inquiry and without any evidence and as such perverse. Principles of natural justice were violated. The workman was illegally dismissed.

That in view of the facts stated above the action of the management to dismiss the workman is illegal, unfair and unjustified and amounts to victimization and unfair labour practice.

The management has filed reply. In the reply it has been stated that the dispute raised by the workman is

frivolous and baseless and deserves rejection. The workman was issued a charge sheet dated 04-04-1997 which was amended vide charge sheet dated 19-06-1998, for serious acts of misconducts involving financial irregularities committed by him in connection with discharge of his duties with the bank. The workman failed to submit any reply to the charges levelled against him and therefore, the management decided to conduct a domestic inquiry in the matter. The workman was given enough opportunity to defend the charges levelled against him and the inquiry was conducted in accordance with the principles of natural justice. The workman was found guilty of the charges levelled against him and a copy of the report of the inquiry officer was forwarded to the workman along with a letter of the management dated 14-07-2003. On the basis of the report of the Inquiry Officer the Disciplinary Authority of the management bank took a tentative decision to dismiss the workman from the services of the bank without notice. This tentative decision was communicated to the workman vide letter dated 18-08-2003 and the workman was given an opportunity for personal hearing. The management granted opportunity to the workman for a personal hearing on 14-03-2003, 27-10-2003 & 27-07-2004 but the workman failed to avail the same. Therefore, the workman was dismissed from service on 09-09-2004 vide letter No. DZO-II/R-V/1001 dated 26-08-2004. The workman preferred an appeal against the decision of the disciplinary authority but as the charges levelled and proved against the workman were of grave and serious nature, therefore, vide order dated 31-03-2005 of the Appellate Authority, the appeal of the workman was also dismissed. Since the workman was dismissed from service on the basis of a disciplinary inquiry in the charges of serious misconduct including financial irregularities, the management lost confidence in him. The management being a banking organization could not retain such dishonest people in service as the reputation of the whole banking business was at stake. Therefore, it is humbly submitted that the action taken by the management in dismissing the workman from service is fully legal and justified and does not deserve to be interfered by this Hon'ble Tribunal. The management relies upon the record of the inquiry proceedings in this regard.

However, without prejudice to the contention of the management that the inquiry conducted against the workman was fair and proper and in accordance with the principles of natural justice, if this Tribunal arrives at a finding that there was some defect in the inquiry and thus it stands vitiated, the management be provided opportunity to lead evidence before this Tribunal in order to prove the misconduct of the workman.

That it is stated as the workman committed fraud in connection with discharge of his official duties, the management lodged the report with the police. However, it is denied that no financial loss was caused to the management. It is further stated that the management was

not in a position to direct the investigation or to take any penal action against the workman as that was the prerogative of the law enforcement agency i.e. the police and, therefore, no reply is submitted in respect of outcome of the report lodged by the management in this respect.

It is denied that the Inquiry Officer insisted upon any particular mode of representation by the workman. The true facts are that between the period 20-06-1998 to 21-01-2000, the workman was represented before the Inquiry Officer by one V. K. Malik, Secretary of the SBI Staff Association. However, during the course of inquiry the workman expressed his desire to be represented by one Sh. J.K. Sawhney of All India Bank Staff Association. However, the request of the workman was not allowed as in accordance with para 12(a)(i)(X) of the 7th Bipartite Settlement which was applicable in this case, an employee could be represented only through a representative of a registered trade union of which he is a member on the date first notified for the commencement of the inquiry. As in this case on the 1st date notified for commencement of the inquiry was 10-06-1998 and on that date the workman was not a member of this All India Bank Staff Association, his request was not allowed. It is totally wrong and hence denied that the leaders of the recognized union were inimical towards the workman as alleged. It is denied that the approach of the management was unfair as the management acted in accordance with the rules and regulations binding upon both the parties and, therefore, the allegation of the workman in this regard is baseless.

That however, the applicant had not mentioned as to from which date he is a member of All India Bank Staff Association. The applicant be put to the strict proof of the averments that he was a member of the All India Bank Staff Association on the date of commencement of inquiry i.e. 10-09-1998.

That the claim relate to the representations allegedly made by workman. They being a matter of record need no reply. However the workman be put to strict proof regarding their contents and their receipt by the management. It is denied that the management did not reply the representations of the workman. It is submitted that the management relied to the representations received by it.

It is submitted that the allegations against the fairness of the inquiry are totally baseless and against the record. The workman was given more than fair opportunity to defend himself before the inquiry officer but he got himself defended also, however later on, he intentionally did not attend the inquiry in order to gain time. It is denied that the management violated the provisions of the Sastry Award. The workman be put to the strict proof of the allegations made in this respect. The principles of natural justice were properly followed in the case.

That the issue regarding lesser payment of the subsistence allowance stands settled between the management and the workman vide settlement dated 06-05-2004

entered between the Conciliation Officer, Faridabad and therefore, the same cannot be agitated again before this Tribunal.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was suspended by the respondent bank on 25-09-1995. Charge-sheet was served on him on 04-04-1997. It was modified on 19-06-1998. The respondent bank deprived the workman of suspension wages amounting to Rs. 7 thousand per month for long 8 years. The management unduly delayed the disciplinary proceedings for about 10 years. The charges against the workman were arbitrarily proved by the biased Inquiry Officer in ex-parte inquiry without any evidence and records. It was a case of no evidence. No opportunity to the workman was given to defend himself.

It was further submitted that the workman engaged Sh. B.K. Malik, Secretary, SBI Staff Association as his defence representative but he subsequently withdrew from the inquiry proceeding under undue pressure. The workman sought permission for representation by Sh. J.K. Sawhney of All India Bank Association. The Inquiry denied having engaged the workman in the employment Officer refused to permit Sh. J.K. Sawhney as DR of the workman and concluded the proceedings ex-parte.

It was further submitted that the workman was a member of the All India Bank Staff Association. Sh. B.K. Malik to represent the workman as the leaders of the recognized union objected to it and directed him not to represent the workman.

It was submitted from the side of the management that the inquiry is fair. Sufficient opportunity has been given to the workman to cross-examine the witness and to defend his case. He opted not to cross-examine the witness. Sh. J.K. Sawhney was not permitted to represent the case of the workman as the workman was not a member of the union.

As per the 7th BPS the workman may be permitted DR of a union which is registered and recognized by the bank and of which the workman is a member. The workman was not the member of All India Bank Association, so Sh. J.K. Sawhney was not permitted as DR of the workman.

It has been provided in 521(10) A, Sastry Award as under:—

“He shall also be permitted to be defended by a representative of a registered union of bank employees or with the bank's permission by a lawyer.”

According to this provision the workman has every right to get himself defended by a representative of a registered union or bank's employees or by a lawyer with the permission of the bank. The workman requested the bank to permit him to be represented by Sh. J.K. Sawhney of All India Bank Association but he was refused. In the circumstances the bank did not provide him any defence representative. It is admitted case even of the bank that the Inquiry Officer has proceeded ex parte and he has given his finding on ex parte evidence of the witnesses.

It is admitted case that the workman was not paid full salary after one year of suspension. The workman was suspended on 25-9-1995. He was entitled to full wages after one year of suspension i.e. 25-9-1996 in case delay cannot be attributed to his own conduct. It was nowhere been mentioned that delay in the inquiry proceeding was due to the workman himself. Charge-sheet was served on the workman after two years and the same was modified after one year. The workman was paid full wages on 6-5-2004 by way of settlement before the Conciliation Officer. The workman was entitled for full wages from 25-9-1996 whereas the same was paid to him on 06-5-2004. Such conduct reflects prejudices of the management.

The workman was not permitted to engage DR either of his choice or of the choice of the management. It cannot be said that he intended or admitted to stultify the inquiry and his attitude was of complete non-co-operation.

As per the provisions of the Sastry Award referred to above, the management even can permit a lawyer as DR of the workman.

In the instant case the workman has not been permitted to engage any DR. The Inquiry Officer has concluded the inquiry ex parte. Delay caused by the management in disciplinary proceeding reflects the malafide intention of the management. The management should have offered names for DR to the workman. They have not done so. The Inquiry Officer has hastily concluded the inquiry ex parte. Principle of natural justice have not been followed.

The inquiry is not merely an empty formality, it should be concluded after the cross-examination of the management witness and the workman should also have been permitted to examine his own witnesses. Principles of natural justice have been violated. The inquiry stands vitiated. The action of the management is thus, arbitrary and illegal.

The management however, may re-open the inquiry after following the procedures laid down in this behalf.

The reference is replied thus:—

The action of the management of State Bank of India in dismissal from the service of Sh. R.L. Trikha, Clerk-cum-Cashier w.e.f. 26-8-2004 is neither just nor legal. The

workman is entitled to be reinstated with full back wages, continuity of service and all the consequential benefits within two months from the date of the publication of the award.

The award is given accordingly.

Date: 21-02-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 692.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वलशाद डिस्ट्रिक सेन्ट्रल को-ऑपरेटिव बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 331/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-12014/01/2008-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 692.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 331/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the management of Valsad District Central Co-operative Bank Ltd. and their workmen, received by the Central Government on 3-3-2008.

[No. L-12014/01/2008-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

PRESENT: SHRI A.A. LAD, Presiding Officer

(Complaint C.G.I.T.A.) No. 331/04

Old Complaint I.T.C. 6/02

Bipen B. Patel
General Secretary
Valsad District Co-operative Bank Emp. Uni.
4, Shiv Shakti Society, Tithal Road
ValsadComplainant

V/s.
Valsad District Central Co-operative Bank Ltd.
Aazad Choke, ValsadOpponent

APPEARANCE:

Complainant :	Present
Opponent :	Present

ORDER

1. By filing this complaint under Section 33 A of the Industrial Dispute Act the complainant has stated that, he was working with the opponent since last 25 years as C-Grade permanent workman. His service record is clean and unblemish. The complainant was General Secretary of opponent Valsad Distt. Co-operative Bank Employees Union. The complainant stated that, during the operation of the award passed by the Industrial Tribunal, Surat in Ref. (IT) 81/87, the opponent has transfer the services of the members of the Union and hence the present complaint. The complainant stated that, with a view to stop the union activities, the Management has passed the mass transfer orders on 10-6-2002 against the transfer policy decided in Ref. (ITC) 81/87. The complainant union has by filing this complaint, prayed that opponent be directed to withdraw the said transfer orders dated 10-6-2002 and further prayed do not to execute the same. It is clear prayed to direct opponent not to transfer during the pendency of the conciliation before Labour Court, Vadodara. Accord to him, opponent can not transfer without since he has raised the dispute and it is pending for consideration before Asstt. Labour Commissioner (Central) Vadodara.

2. Opponent objected this by filing reply at Ex. 10 saying that, complainant can not challenge the transfer. Since it was just and proper transfer. Transfer was best solution, which is also right of the employer. Beside it is contended by opponent that, this court has no jurisdiction to try the subject matter of transfer.

3. Matter is pleased before me on the basis of last Roznama dated 15-6-2006 written that P.O. stating that, complaint is not tenable. If is not objected on oath.

4. Perused the proceeding and the (taken by the) contention/complaint and contention taken in reply of the employer. Other 5 matters are pending before this Tribunal to decide the point of jurisdiction.

5. The recent judgement published in page no. 160/2007 II C.L.R. Bharat Co-operative Bank (Mumbai) Limited V/s. Co-operative Bank Employees Union whether it is observed that, in case of co-operative bank, Central Government is not a appropriate Government. It is stated that, to entertain the grievances of the co-operative bank and in the light of the observation made by the Apex Court when it is observed that, Central Government is not a appropriate Government now appropriate government will be State Govt. of Gujarat. When it is subject matter of the Co-operative Banks and its employee which is within the jurisdiction of State Government and with State Tribunal Gujarat. This Tribunal has no jurisdiction to consider the grievances of the employees of co-operative banks.

6. Considering this I direct complainant to withdraw the complaint and filed it before State Tribunal Gujarat who has jurisdiction over the subject matter. Hence the order:

ORDER

Complainant is direct to withdraw the complaint and filed it before State Tribunal Gujarat. Accordingly complaint is disposed off. No costs.

Date: 19-11-2007

Ahmedabad

A.A. LAD, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 693.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 38/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/232/2001-आई आर(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 693.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/232/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G SHUKLA PRISING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 38 of 2002

In the matter of dispute between

Shri Veerendra Kumar
S/o Sri Collector Lal
C/o Sh. Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director
Indian Institute of Pulse Research
G.T. Road, Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/232/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Veerendra Kumar

S/o Collector Lal working as contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers, of the Management.

The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deferring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore,

question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 694.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार आई.आई.पी. आर. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचांत (संदर्भ संख्या 41/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/240/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 694.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/240/2001-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SRI R.G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR-COURT, KANPUR**

Industrial Dispute No. 41 of 2002

In the matter of dispute between

Shri Ram Kumar
S/o Sri Prabhu Dayal
C/o Sh. Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,

Indian Institute of Pulse Research
G.T. Road Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/240/2001-CIR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

“Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Ram Kumar S/o Prabhu Dayal working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?”

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman.

On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in this context. Therefore, the tribunal is not inclined to believe this contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If its is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or

that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 53/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/241/2001-आई.आर(सी.एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 695.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/241/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM-LABOUR-COURT, KANPUR

Industrial Dispute No. 53 of 2002

In the matter of dispute between

Shri Dayal

S/o Late Sri Ram Charan

C/o Sh. Rajendra Prasad Shukla

115/193 A.2 Maswanpur Rawatpur, Kanpur

AND

The Director

Indian Institute of Pulse Research

G. T. Road Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/241/2001-IR(CM-II) dated

17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Sri Dayal S/o Sri Ram Charan working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deferring recruitment rules. Since the workman was never in the employment, question of terminating his services from any

date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the

claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer
नई दिल्ली, 3 मार्च, 2008

का.आ. 696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 57/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/233/2001-आई आर(सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 696.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2002) of the Central Government Industrial Tribunal-Cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/233/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer
ANNEXURE

BEFORE SRI R.G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR-COURT,
KANPUR

Industrial Dispute No. 57 of 2002

In the matter of dispute between

Smt. Shanti
W/o Shri Chandra Prakash Sonkar
C/o Sh. Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director
Indian Institute of Pulse Research
G.T. Road Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/233/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Smt. Shanti Devi W/o Chandra Prakash working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of tills he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the

opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other she sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that she had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-2008.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in

her statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or she was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 697.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 45/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/234/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 697.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/234/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 45 of 2002

In the matter of dispute between

Smt. Kamla

W/o Sri Chotey Lal

C/o Sh. Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director
Indian Institute of Pulse Research
G.T. Road, Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/234/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Smt. Kamla W/o Sh. Chotey Lal working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter

by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman

cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947 by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कालापुर के एचाट (संदर्भ संख्या 46/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[स. एल-42012/235/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 698.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/235/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRISING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 46 of 2002

In the matter of dispute between

Smt. Sadhna

W/o Sri Ram Parkash

C/o Sh. Rajendra Prasad Shukla

115/193, A-2 Maswanpur Rawatpur, Kanpur

AND

The Director,
Indian Institute of Pulse Research
G.T. Road, Kalyanpur, Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/235/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Sadhna W/o Ram Parkash working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker as been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to superwise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having

engaged the workman in the employment in any capacity whatsoever not he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorning recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that she had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe this contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-2008.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which she is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that

there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in her statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or she was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 699.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी. आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 59/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/236/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 699.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/236/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT,
KANPUR

Industrial Dispute No. 59 of 2002

In the matter of dispute between
 Smt. Sadhana
 W/o Sri Chhotey Lal
 C/o Sh. Rajendra Prasad Shukla
 115/193 A.2 Maswanpur Rawatpur, Kanpur.

AND

The Director,
 Indian Institute of Pulse Research
 G.T. Road Kalyanpur, Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/236/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Sadhana W/o Sri Chhotey Lal working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of her reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was

ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorning recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other she sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that she had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in this context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is her own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which she is alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in her statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 700.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी. आर. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्हिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 48/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/246/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/246/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR-COURT, KANPUR
Industrial Dispute No. 48 of 2002

In the matter of dispute between :

Smt. Ram Devi W/o Sri Dhani Ram,
C/o Sh. Rajendra Prasad Shukla,
115/193, A-2, Maswanpur Rawatpur,
Kanpur

AND

The Director

Indian Institute of Pulse Research
G.T. Road, Kalyanpur, Kanpur

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-42012/246/2001-IR(CM-II), dated 17-7-2002 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Ram Devi W/o Sri Dhani Ram working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days of till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of her re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorng recruitment rules. Since the workman was never in the employment question of terminating her services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseles and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other she sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate Government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is her own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which she is alleged to be the employee cannot be accepted by the

Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or she was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by her. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 701.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 49/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हआ था।

[सं. एल-42012/245/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 701.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/245/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SRI R. G SHUKLA, PRISING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, KANPUR**

Industrial Dispute No. 49 of 2002

In the matter of dispute between

Smt. Pushpa W/o Sri Prabhu Shah
C/o Sh. Rajendra Prasad Shukla
115/193 A.2, Maswanpur Rawatpur,
Kanpur

AND

The Director
Indian Institute of Pulse Research
G.T. Road Kalyanpur, Kanpur

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-42012/245/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal :—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Pushpa W/o Sri Prabhu Shah working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to superwise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseles and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occassion on one pretext or the other she sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is her own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is alleged

to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in her statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or he was ever paid his wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by her. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 702.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 50/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[स. एल-42012/244/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 702.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/244/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRISING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT,
KANPUR

Industrial Dispute No. 50 of 2002

In the matter of dispute between

Smt. Shanti W/o Malkhan
C/o Sh. Rajendra Prasad Shukla
115/193 A.2, Maswanpur Rawatpur, Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road Kalyanpur, Kanpur

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-42012/244/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Shanti W/o Malkhan working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not, to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The product of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of her reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising her in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehorning recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseles and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-I-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is their own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which she is alleged to be the employee cannot be accepted by the

Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or she was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by her. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 703.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 51/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/243/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 703.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/243/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRISING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT,
KANPUR

Industrial Dispute No. 51 of 2002

In the matter of dispute between

Shri Ramesh Chandra S/o Ram Sewak
C/o Sh. Rajendra Prasad Shukla
115/193 A.2, Maswanpur Rawatpur, Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur, Kanpur

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-42012/243/2001-IR(CM-II) dated 17-7-2002 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Shri Ramesh Chandra S/o Ram Sewak working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 is legal and justified? If not, to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The product of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is their own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the introduction of the alleged contractor of which he is

alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 704.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कालपुर के पंचाट (संदर्भ संख्या 56/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एस-42012/227/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 704.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workman, received by the Central Government on 3-3-2008.

[No. L-42012/227/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRISING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
KANPUR

Industrial Dispute No. 56 of 2002

In the matter of dispute between :

Smt. Sadhna w/o Sri Ram Prasad
C/o Sh. Rajendra Prasad Shukla
115/193 A. 2, Maswanpur Rawatpur, Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur, Kanpur

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-42012/227/2001-IR(CM-II) dated 15-7-2002 has referred the following dispute for adjudication to this tribunal :—

Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Sadhna w/o Sri Ram Prasad working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 legal and justified? If not, to what relief the worker is entitled to?

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that she rendered continuous service of 240 days till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of her reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising her in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of the Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other she sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the introduction of the alleged contractor of which she is alleged to be the employee cannot be accepted by the

Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or she was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by her. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 705.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.आई.पी.आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 55/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/228/2001-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 705.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/228/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G.SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 55 of 2002

In the matter of dispute between :—

Smt. Vimla W/o Sri Mannu
C/o Sh. Rajendra Prasad Shukla
115/193 A-2, Maswanpur Rawatpur, Kanpur

AND

The Director
Indian Institute of Pulse Research,
G.T. Road Kalyanpur, Kanpur

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-42012/228/2001-IR(CM-II) dated 15-7-2002 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Smt. Vimla W/o Sri Mannu working as Contract worker allegedly under direct supervision of the management w.e.f. 26-8-98 is legal and justified? If not, to what relief the worker is entitled to?”

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on... It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licenced contractor. It has also been pleaded by the workman that she was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officer of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till she was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provision of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but she was not afforded any opportunity of her reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising her in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor she was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating her services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective case.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Today is further date fixed in the case for hearing arguments in the case. Case was called upon repeatedly in open court but the representative for the workman found absent. After the orders on the order sheet were recorded the representative for the workman came before the tribunal and submitted that he had sent certain application for transfer of the case but a perusal of the record show that no such application is available on the record. There is also no order received from the appropriate government in the context. Therefore, the tribunal is not inclined to believe the contention of the authorised representative for the workman, and therefore, the same is rejected. Having considered the long duration of the pendency of the instant case the tribunal also rejected the adjournment application and the arguments in the case were heard today i.e. on 7-1-08.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that she was working much before the induction of the alleged contractor of which she is

alleged to be the employee cannot be accepted by the Tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that she was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in her statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that she ever remained in active employment of the opposite party or that she was ever issued any appointment letter, or she was ever paid her wages by the opposite party or her services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by her. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 3 मार्च, 2008

का.आ. 706.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल होर्टिकल्चर बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 132/2005) की प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/251/2005-आई आर(सीएम-II)]

अजय कुमार गौड, डेस्क अधिकारी

New Delhi, the 3rd March, 2008

S.O. 706.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 132/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of

National Horticulture Board, and their workmen, received by the Central Government on 3-3-2008.

[No. L-42012/251/2005-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRISING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. Rai

I. D. No. 132 of 2005

In the matter of :—

Shri Chakkar Bahadur,
C/o Shri Murli-Kumar
627, Gali No. 1, Bhawani Enclave,
Basai Road, Gurgaon (Haryana)

Versus

The Dy. Director,
National Horticulture Board,
Plot No. 85, Sector-18,
Gurgaon (Haryana)

AWARD

The Ministry of Labour by its letter No. L-42012/251/2005-IR(CM-II) Central Government dated 14-12-2005 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the action of the management of National Horticulture Board in terminating the services of Shri Chakkar Bahadur Chand S/o Shri Dan Bahadur Chand w.e.f. 19-4-2004 is legal and justified? If not, to what relief the workman is entitled ?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman was employed as Waiter on 1-11-1999. He was not given any appointment letter. Payment to him was made on the record of M/s. Anirudh Security Agency. The name of the workman was taken on record of the management on 1-1-2003 and he was posted as Receptionist Guest House Attendant and Canteen Boy.

That the services of the workman were terminated on 19-11-2004 and his wages at that time was Rs. 4055.

That no notice pay and retrenchment compensation was paid to him.

The Management has filed written statement. In the written statement it has been stated that the National Horticulture Board is an autonomous body under the administrative control of Ministry of Agriculture established for the integrated development of horticulture. Its function is largely advisory in nature for the development of horticulture. It has been established to promote and propagate horticulture with a view to provide facilities/consultations to the intending horticulturists and

is not involved in any kind of production or sale. Accordingly in view of the "Predominant nature test" propounded by the Hon'ble Apex Court it is a non-profit making entity is not engaged in any activity called business, trade or manufacture nor is an undertaking analogous to business of trade and therefore in view of the definition of "Industry" as given in Section 2 (J) of the Industrial Dispute Act, 1947, the National Horticulture Board (here in after called NHB for the sake of brevity) can not by any stretch of interpretation be brought within the purview of definition of "industry" and hence the instant dispute not being and "Industrial Dispute" is not maintainable before this Hon'ble Forum is liable to be dismissed in-limine.

That the contract of engagement is the corner stone of the edifice of the alleged "Industrial Dispute". It is submitted that the claimant herein was engaged by Security Agency i.e. M/s. Anirudh Security Agency, Faridabad on contractual basis and was being paid by that agency which in turn was reimbursed by the respondent on monthly basis. The petitioner was engaged through the said Contractor M/s. Anirudh Security Agency, Faridabad w.e.f. 1-11-1999 where the applicant was working as Canteen Boy as per Contract Deed, which was up to 28-10-2003, the control of Canteen was taken in the hands of the Management of the respondent and the applicant was contractually engaged to run the Canteen w.e.f. 1-1-2003. The contractual engagement automatically expired on 19-4-2004 on account of closure of the canteen.

That in view of the above mentioned submissions it, is quite clear that there is no industrial dispute within the meaning of Section 2 (k) of the Industrial Disputes Act, 1947, and therefore this Hon'ble Court has no jurisdiction over the matter and accordingly the claim is liable to be dismissed.

That without admitting the applicability of the ID Act, 1947, it is worth mentioning that the claimant has not completed 240 days of his service in the year which he was disengaged. In the light of aforesaid facts it submitted that the claim of the petitioner is liable to be rejected outrightly at the stage of admission itself.

That the claim petition of the claimant is beyond limitation and hence time barred accordingly liable to be rejected in-limine itself.

It is denied that there was any irregularity committed by the answering respondent while employing the claimant. It is also denied that no wages were paid to him as the same is not consonance with the true facts. It is submitted that the claimant was an independent contractor w.e.f. 1-1-1999.

It is submitted that the respondent opened the canteen but due to administrative reasons it was closed and its activities were stopped. Consequently the contractual engagement of the petitioner got automatically terminated. It is further submitted that the claimant had not completed 240 days services with the management in the

year when he was disengaged. Rather the petitioner claimant was employed by the M/s. Anirudh Security Agency who was an independent contractor w.e.f. 1-11-1999. Shri Chakkar Bahadur was engaged as contingent paid Canteen Boy w.e.f. 1-1-2003 and since the canteen was closed and its activity is not in operation, he was disengaged.

It is submitted that the respondents never employed the claimant and therefore question either for termination or disengagement does not arise. As already stated there was not even contract of employment between the NHB and the petitioner at any stage. Since the activity for which petitioner Shri Chakkar Bahadur was engaged is no more in operation in the office of NHB, he was disengaged. He was also paid wages for the period he worked in the office of NHB in the capacity of contractual employee.

It is submitted that there being no contract of engagement and hence no employer-employee relation between the claimant and the respondent, there is no question of any termination and therefore no need for any notice arises in the instant case. The notice of closure of the Canteen was affixed at the gate of the Canteen. On the closure of the canteen, the services automatically came to an end and stood disengaged. The rate of wages as alleged is all a matter of record however.

That the canteen not being in existence and the activities of the canteen not being in operation though there is no question of employing the claimant. Therefore the claim of the applicant cannot be sustained. It is submitted that a contractual/temporary employee could not claim to be made permanent on the expiry of his term of engagement. It is further submitted that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of this appointment, he would not be entitled to be absorbed in regular service or made permanent.

It is reiterated that since the canteen was closed for administrative reasons, the contractual services of the petitioner came to an end/stood disengaged automatically on account of closure of Canteen. The provisions of Industrial Disputes Act, 1947 are not applicable and answering respondent is not an Industry. The respondent has not committed any illegality. The petitioner is not entitled to any relief as claimed in the Demand Notice.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was directly employed by the management. The contractor

is merely a name lender. The workman worked under the control and supervision of the management.

It was submitted from the side of the management that the workman was directly engaged by the contracting agency. He worked for the agency. There was no employer and employee relation between the management and the workman. The workman in his cross-examination has stated as under:—

“I was employed with Anirudh Security Agency who were taken contract with National Horticulture Board. I worked in that Security Agency up to 2003.”

It becomes quite obvious from the statement of the workman in his cross-examination that he was employed with the agency and he worked in that agency up to 2003. From the admission of the workman it becomes established that he was working as an employee of the agency till 2003. The workman has not filed any documentary evidence in this case. His further case is that he was employed directly by the management w.e.f. 1-1-2003 as Guest House Attendant and Canteen Boy and worked up to 18-4-2004. The workman has not filed any documentary evidence in support of his claim. Merely on the assertions in the affidavit it cannot be held proved that the workman was directly engaged by the management. The case of the management is that the workman was engaged through agency on 01-1-2003 to 19-4-2004. The management has also not filed any document on the record. It is the burden of the workman to prove the averments of his claim statement. He has filed no document to show that he was directly engaged by the management and he worked under the control and supervision of the management. The workman has failed to prove the averments of his claim statement. The workman is not entitled to get any relief.

The reference is replied thus :—

The action of the management of National Horticulture Board in terminating the services of Shri Chakkar Bahadur Chand S/o Shri Dan Bahadur Chand w.e.f. 19-4-2004 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 26-2-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 4 मार्च, 2008

का.आ. 707.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 के अनुसरण में, केन्द्रीय सरकार आंशा बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 18/1998) को प्रवक्षित करती है, जो केन्द्रीय सरकार को 3-3-2008 को प्राप्त हुआ था।

[सं. एल-12011/34/97-आईआर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 4th March, 2008

S.O. 707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/1998) of the Central Government Industrial Tribunal/Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the management of Andhra Bank, and their workmen, received by the Central Government on 3-3-2008.

[No. L-12011/34/97-IR (B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA**

Reference No. 18 of 1998

Parties : Employers in relation to the management of
Andhra Bank
AND
Their Workmen

Present : Mr. Justice C.P. Mishra, Presiding Officer

Appearance :

On behalf of the Management : Mr. D. K. Ghosh, Advocate with
Mr. R. Dey, Advocate

On behalf of the Workmen : None

State : West Bengal Industry : Banking
Dated : 18th February, 2008

AWARD

1. By Order No. L-12011/34/97-IR(B-II) dated 14-5-1998 and corrigendums of even number dated 20-7-1998 and 3/5-5-1998 the Central Government in exercise of its power under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 (hereinafter to be referred as the Act) referred the following dispute to this Tribunal for adjudication—

“Whether the action of the management of Andhra Bank, Howrah in deducting the wages of S/Shri Khokan Das, Shankar Naskar and Dhiren Ch. Naskar for 11-9-95 and deducting the salary of Shri Pranab Bandhyapadhyay, Samir Mukherjee, Tapas Chatterjee, Apurba Mitra, Jyotirmoy Bhattacharjee, Md. Fozal Rasul, Tapas Dasgupta and Satya Mukul Maity for 12-9-95 is legal and justified? If not, to what relief the said workmen are entitled?”

2. When the case is called out today, none appears for the workmen although the management is represented by its learned Advocate. Learned Advocate for the management has stated that no one is appearing on behalf of the workmen for the last several dates and from the conduct of the workmen it is clear that they are no longer interested in the matter and the present reference be

disposed of by passing a "No Dispute" Award. It appears from the record that no one is appearing on behalf of the workmen nor any step is taken on their behalf to proceed with the matter since 21-12-2005 inspite of service of several notices upon them. It is accordingly clear that the workmen are no longer interested to proceed with the present dispute under reference.

3. Since the workmen are not interested to proceed with the matter and the management has also prayed for passing a "No Dispute" Award, this Tribunal has no other alternative but to dispose of the present reference by passing a "No Dispute" Award. A "No Dispute" Award is accordingly passed and the present reference is disposed of.

C. P. MISHRA, Presiding Officer

नई दिल्ली, 4 मार्च, 2008

का.आ. 708.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी.सी.सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण (सं. - II), धनबाद के पंचाट (संदर्भ संख्या 131/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/116/2003-आईआर(सी-I)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th March, 2008

S.O. 708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 131/2003) of the Central Government Industrial Tribunal/Labour Court (No.-II), Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 4-3-2008.

[No. L-20012/116/2003-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

LOK ADALAT

Present : Shri Nagendra Kumar, Presiding Officer
In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 131 of 2003

Parties : Employers in relation to the management of Bharat Coaking Coal Ltd. and their Workman.

Appearances :

On behalf of the workman : Sri R.R. Sahay, the concerned workman himself

On behalf of the employers : Sri D.K. Verma, Advocate

State : Jharkhand

Dated , Dhanbad, the 25th February, 2008

Industry : Coal

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/116/2003-IR(C-I), dated the 28th November, 2003.

SCHEDULE

"Whether the demand of the RCMS from the management of BCCL, Hdqrs, Koyla Bhavan for changing the designation of Sri R.R. Sahay, Input/Output Control Assistant w.e.f. June, 1998 and to promote him as Tech. & Supervisor Grade-A w.e.f. 2001 with the designation as Input/Output Control Supervisor is justified? If so to what relief is the concerned workman entitled and from what date?"

2. In response to appeal made by this tribunal for disposing of this case through Lok Adalat management and the concerned workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and conditions incorporated in the said settlement petition appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the same is accepted. In view of the facts and circumstances discussed above instant case is disposed through Lok Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties. The settlement petition forms part of the Award as Annexure.

NAGENDRA KUMAR, Presiding Officer

Annexure

FORM-“H”

(RULE 58)

MEMORANDUM OF SETTLEMENT

Representative of the Management :

1. C.P.M. (NEE), B.C.C.L., Koyla Bhawan, Dhanbad

Representative of the Workmen :

1. Secretary, R.C.M.C. of Dhaiya Sheo Mandir Road, Dhanbad

Short Recital of the Case

Rashtriya Colliery Mazdoor Congress raised an Industrial Dispute and demanded for restoration/ changing the designation of Shri R.R. Sahay of E.D.P. Department (HQ) and to promote him as Technical & Supervisory Grade "A" w.e.f. 2001 with the designation as Input/Output Control Supervisor, keeping in view of the following two discriminations held with Sri Sahay (i) in not changing his cadre from Data Entry Operator cadre to Input/Output Cadre to that of one Sri S.G. Sarkar, Punch Verifier Operator

Grade "C" whose cadre was changed to Input/Output cadre after submission of his graduation certificate some time in 2000 in the light of a tripartite settlement dated 27-9-1995 held between the management and Sri Sarkar in presence of the ALC(C), Dhanbad, irrespective of Sri Sahay who had also submitted his graduation certificate prior to Sri Sarkar in June, 1998, and (ii) in not promoting Sri Sahay in T&S Grade "A", keeping in view of the seniority list of Input/Output cadre published on 30-1-1997 in which the name of Sri R.R. Sahay, appears at Sl. No. 4 (i.e. shown as senior to Sri Om Kumar Singh & Sri Umesh Kumar Singh of serial number 5 & 6 respectively of that list).

After failure of conciliation, Ministry of Labour referred the said Industrial Dispute vide Notification No. L-20012/116/2003-IR(C-I) dated 28-11-2003 to the CGIT No. 2, Dhanbad. The Hon'ble Tribunal registered the said reference as Reference No. 131 of 2003. The term of reference is as follows :

"Whether the demand of the RCMC from the management to BCCL, Hdqrs, Koya Bhawan for changing the designation of Sri R.R. Sahay Input/Output Control Assistant w.e.f. June, 1998 and to promote him as Tech & Supervisory Grade "A" w.e.f. 2001 with the designation as Input/Output Control Supervisor is justified? If so to what relief is the concerned Workman entitled and from what date?"

During the pendency of the case before the CGIT No. 2, Dhanbad, the case of Sri Sahay was re-examined in the light of opinion dated 15-11-2007 of Sri D.K. Verma the conducting advocate of the case on behalf of the management, whereby & whereunder the advocate has opined that this is a weak case to succeed in the Tribunal as such the management should settle the case through Lok Adalat organized by CGIT level.

Keeping in view of the opinion of Shri D.K. Verma, Advocate and the letter of the Presiding Officer, CGIT No. 2, Dhanbad to settle the weak cases, this case was re-examined by the concerned department.

Accordingly the management as well as the union agreed to settle the aforesaid dispute after approval of the Competent Authority on the following terms and conditions :

Terms of Settlement

- (i) That, the management agreed to restore the cadre of the workman concerned as Input/Output cadre.
- (ii) That, the management agreed to promote the workman concerned in Technical & Supervisory Grade "A" w.e.f. 2002 i.e. the date on which Sri Om Kumar Singh & Sri Umesh Kumar Singh were promoted to the post of Input/Output Control Supervisor T&S Grade Input/Output Control Supervisor T & S Grade "A".
- (iii) That, the workman concerned is not entitled to receive any monetary benefit w.e.f. 28-07-2002.

- (iv) That, the workman concerned will get seniority alongwith nontrional fixation in Tech. & Supervisory Grade "A" w.e.f. 28-07-2002 (i.e. the date on which Sri Om Kumar Singh & Umesh Kumar Singh were promoted to the post of Input/Output Control Supervisor T&S Grade "A".)
- (v) That the concerned workman will not raise any dispute for payment of wages of T&S Grade "A" for the period from 28-07-2002 to the date of issuance of office order in this connection.
- (vi) That, this settlement will not be cited in order cases and this resolves the dispute in to-to.

Signature of the management
Representative

Murlidhar Singh

Signature of witness :

—Sd.—illegible

Signature of the workman's
Representative.

—Sd.—illegible

Signature of workman

—Sd.—illegible

नई दिल्ली, 4 मार्च, 2008

का.आ. 709.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. -II), धनबाद के पंचाट (संदर्भ संख्या 66/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/46/2000-आईआर(सी-I)]

स्त्रे ह लता जवास, डेस्क अधिकारी

New Delhi, the 4th March, 2008

S.O. 709.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/2000) of the Central Government Industrial Tribunal/Labour Court (No.-II), Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 4-3-2008.

[No. L-20012/46/2000-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD LOK ADALAT

Present : Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 66 of 2000

Parties : Employers in relation to the management of CCL and their Workman

APPEARANCES:

On behalf of the management : Mr. D.K. Verma, Advocate
 On behalf of the workman : Mr. Bhim Bedia, concerned workman

State : Jharkhand Industry : Coal
 Dated, Dhanbad, the 25th February, 2008

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/46/2000 (C-I), dated the 29th June, 2000.

“Whether the action of the management of Argada Colliery of M/s. Central Coalfield Ltd., P.O. Argada Dist. Hazaribagh to withhold two increments of Shri Bhim Bedia Clerk Gr. III with cumulative effect is legal and justified? If not, to what relief is the concerned workman entitled?”

2. In response to appeal made by this tribunal for disposing of this case through Lok Adalat management and the workman concerned appeared. The concerned workman by filing a petition submitted that he is not willing to contest the case as the dispute in question has been settled with the management. In view of such petition made by the workman, no objection has been raised on behalf of the management side. Perused the petition and heard both sides. Accordingly the said petition filed by the workman is accepted and the instant case is disposed through Lok Adalat as per petition submitted by the concerned workman. The petition of the workman forms part of the Award as Annexure.

NAGENDRA KUMAR, Presiding Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD**

Reference No. 66 of 2000

Employers in relation to the management of Argada Colliery of M/s. Central Coalfields Ltd.

AND

Their Workman.

Petition for fixing the case in Lok Adalat

That, I am not interested to contest the case.

Hence, the case may be closed and as the dispute has been settled with the management.

For this the Petitioner shall ever pray.

Bhim Bedia
 25-2-2008

नई दिल्ली, 4 मार्च, 2008

का.आ. 710.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारा, (सं-II) धनबाद के पंचाट (संदर्भ संख्या 107/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-03-2008 को प्राप्त हुआ था।

[सं. एल-20012/98/2004-आई. आर.(सी-I)]
 स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th March, 2008

S.O. 710.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/2004) of the Central Government Industrial Tribunal-cum-Labour Court, (No-II) Dhanbad now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 04-03-2008.

[No. L-20012/98/2004-IR(C-I)]

SNEH LATA JAWAS, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**

LOK ADALAT

PRESENT

Shri Nagendra Kumar, Presiding Officer

In the matter of Industrial dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE No. 107 OF 2004

PARTIES Employers in relation to the management of Argada Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. S.S. Singh, Area Vice President, R.K.M. Union, Argada and Mr. Matna Munda, concerned workman.

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal.
 Dated, Dhanbad, the 25th February, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this tribunal for adjudication vide their Order No. L-20012/98/2004-I.R. (C-1), dated, the 2nd September, 2004.

SCHEDULE

"Whether the action of the management of Argada Colliery of M/s. C.C. Ltd. to dismiss Shri Matna Munda, P.R.W. from the service of the company w.e.f. 13-1-2003 is just, fair and proper ? If not, to what relief is the workman entitled?"

2. In response to appeal made by this Tribunal for disposing of this case through Lok Adalat management and the concerned workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and condition incorporated in the said settlement petition appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the same is accepted. In view of the facts and circumstances discussed above instant case is disposed through Lok Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties. The settlement petition forms part of the Award as Annexure.

NAGENDRA KUMAR, Presiding Officer
ANNEXURE

Before,

The Presiding Officer
CGIT No. 2 &
Lok Adalat
Dhanbad Ref. No. 107/2004
Employer in relation to the
management of Argada Colliery

AND

Their workman

The humble petition on behalf of management as well as workman to settled no dispute through Lok Adalat. Most respectfully herewith.

(i) That both parties agreed to settle no dispute on following term and condition.

(a) That the management agreed to reinstate the concerned workman in service with the following terms & condition.

(i) That the intervening period i.e., from the date of termination to the date of re-instatement shall be treated as 'Dies-Non'.

(ii) That the workman shall not be entitled for any back wages for the said period,

(iii) That the workman shall be given/granted continuity of service for the limited purpose of gratuity.

On behalf of the opposite party.

नई दिल्ली, 4 मार्च, 2008

का.आ. 711.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के. प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं-II) धनबाद के पंचाट (संदर्भ संख्या 217/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/278/2001-आई. आर.(सी-I)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th March, 2008

S.O. 711.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 217/2001) of the Central Government Industrial Tribunal-cum-Labour Court, (No-II) Dhanbad now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 04-03-2008.

[No. L-20012/278/2001-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****LOK ADALAT****PRESENT**

SHRI NAGENDRA KUMAR, Presiding Officer

In the matter of an Industrial dispute under Section 10(1) (d) of the I.D. Act., 1947.

REFERENCE NO. 217 OF 2001

PARTIES Employers in relation to the management of Sijua Area of M/s.B CCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. N. G. Arun, Member, Central Executive Committee RCMS.

On behalf of the employers : Mr. R. N. Ganguly, Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 25th February, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this tribunal for adjudication vide their Order No. L-20012/278/2001-I.R. (C-1), dated, the 12th September, 2001.

SCHEDULE

"Kya Rashtriya Colliery Mazdoor Sangh kee Bharat Coking Coal Limited, Sijua kshetra key prabandhantra sey mang kee Shri Israil Ansari ko cat. VI Mey 1-7-89 sey padonnata kiya jaya uchit evam naya sangat hain? Yadi hain to karmkar kis rahat key patra hain?"

2. In response to appeal made by this Tribunal for disposing of this case through Lok Adalat management and the representative of the workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and condition incorporated in the said settlement petition appears to be fair, proper and in accordance with the principle of natural justice. Accordingly, the same is accepted. In view of the facts and circumstances discussed above instant case is disposed through Lok Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties. The settlement petition forms part of the Award as Annexure.

NAGENDRA KUMAR, Presiding Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2 AT DHANBAD

Reference Case No. 217 of 2001

Employers in relation to the Management of Sijua
Area of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen

That the Government of India, Ministry of Labour, New Delhi, vide their notification No. L-20012/278/IR/200-IR(C-I) dated 12-09-2001 has been pleased to refer this industrial dispute for adjudication with the following Schedule :

“Keya Rashtriya Colliery Mazdoor Sangh ki Bharat Coking Coal Ltd. Sijua Chetra ke prabhandtantra se mang ki Sri Israfil Ansari KO cato, 6 Me 01-07-1989 se paddonat kiya jay uchit avom nayasangat hai? Yedi Ha to karmkar kis rahat ke patra hai?”

The above reference case has been discussed between the parties outside the Court and it has been decided to settle the dispute amicably on the following terms of settlement :

1. That, it has been agreed to settle the dispute on the ground that the workman Sri Israfil Ansari, the concerned workman has already been promoted vide order dated 30-05-1996 as Armature Winder Category VI from 1-7-1990 and has also been provided with Service Linked Upgradation in Tech. & Supv. Grade 'C' w.e.f. 1999.
2. That, this settlement resolves the entire dispute once for ever.

Representing Management Representing Workman

Sd/-	Sd/-
1. Chief General Manager, Sijua Area	1. Sri N.G. Arun, Member, Central Executive Committee, R.C.M.S. & Treasurer
Sd/-	
2. Area Personnel Manager, Sijua Area	

नई दिल्ली, 4 मार्च, 2008

का.आ. 712.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं बी. बी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं-II), धनवाद के पंचाट (संदर्भ संख्या 15/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-03-2008 को प्राप्त हुआ था।

[सं. एल-20012/364/2000-आई. आर.(सी-I)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th March, 2008

S.O. 712.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2001) of the Central Government Industrial Tribunal/Labour Court, (No-II), Dhanbad now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 04-03-2008

[No. L-20012/364/2000-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI NAGENDRA KUMAR, Presiding Officer

In the matter of Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 15 of 2001

PARTIES : Employers in relation to the
management of CCL and their
workman.

APPEARANCES:

On behalf of the employers : Mr. D.K. Verma,
Advocate.

On behalf of the workman : Mr. S. K. Ojha,,
President,
Janta Mazdoor
Sangh.

State : Jharkhand Industry : Coal

Dhanbad, the 25th February, 2008

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/364/2000 (C-I), dated, the 25th January, 2001.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh to place Sri Ramjee Ram, Security Guard (Trainee) as Security Guard Group 'G' w.e.f. 29-12-1989 is legal and justified? If so, to what relief is the concerned workman entitled?"

2. The case of the concerned workman Ramjee Ram in short is that he is a Security Guard Group-G in Central Workshop Barkakana under CCL. He was initially appointed as Security Guard (Trainee) Cat. I on 28-6-1989. As per cadre scheme and circulars the Security Guards (Trainee) who have gone under training and successfully completed probation period should be regularised/promoted in Security Guard Grade 'G' immediately. He had completed his probation period on 28-12-1989 and he has undergone required training hence he has become eligible for regularisation/promotion to the post of Security Guard Gr. 'G' from 29-12-1989. Inspite of fulfilling all the requirements he has been promoted/regularised in Gr. 'G' with effect from 10-5-1993. Thus he is losing seniority for nearly about 3 1/2 years due to laxity on the part of the management. His juniors have got promotion/regularisation earlier to him and he has been put in financial loss. In the seniority list of the Security Guard the name of the concerned workman appears after his many juniors who were appointed later on. Prayer has been made to pass Order/Award for promotion of the concerned workman Ramjee Ram w.e.f. 29-12-1989 as Security Guard Gr. 'G'.

3. From the W.S.-cum-Rejoinder it appears that as per case of the management the concerned workman was appointed on compassionate ground under the provision of NCWA clause 9.4.3. He was placed in Technical and Supervisory Grade-'G' w.e.f. 10-5-93. The union raised the present dispute in the year 2000 after delay of 11 years and hence he is not entitled for any relief. The concerned workman was appointed under special circumstances on compassionate ground. He cannot be equated with other regular employees. As per the cadre scheme the security persons who are in Grade-'H' only are entitled for the scale of Gr. 'G'. After appointment of the concerned workman his particulars and bio-data were sent to the Police for verification. After receipt of Police verification report he was placed in Gr. 'G' which is based on sanctioned vacant post, satisfactory performance report and satisfactory Police verification report. The management received the Police verification report on 24-8-1992. The demand of the concerned workman is not legal and not justified.

4. In the rejoinder portion about para-3 of the W.S. of the workman it has been said that the same is not fully correct. Only those persons are entitled for regularisation in Gr. 'G' who are in Gr. 'H'. About paras 6 to 9 the statement made in W.S. has been said that the same are not correct and the statement made in paras 4 and 5 are not

fully correct. There is no merit in the W.S. Accordingly, the prayer was made to reject the claim of the concerned workman.

5. A rejoinder to the W.S. of the management has been filed and explained as to how the concerned workman is entitled for his regularisation/promotion in Gr. 'G'.

Points to be decided

"Whether the demand of Janta Mazdoor Sangh to place Sri Ramjee Ram, Security Guard (Trainee) as Security Guard Group 'G' w.e.f. 29-12-1989 is legal and justified ? If so, to what relief is the concerned workman entitled?"

Finding with Reasons

6. The concerned workman has been examined as WW-1 on his behalf. The appointment letter has been marked as Ext. W-1. On behalf of the management the witness S. S. Raja has been examined as MW-1 and got marked on proof as Ext. W-2 and W-2/1 (which has already been marked as Ext. W-1 and W-2 the circular dt. 22-1-93 as Ext. W-3, the cadre scheme.

7. The representative of the concerned workman has submitted that the concerned workman ought to have been regularised in Gr. 'G' just after completion of his probation period. But the management did not regularise him in Gr. 'G' and kept mum over the matter. In this situation the management was approached by the concerned workman for his regularisation in Gr. 'G' much earlier but on one pretext or other no regularisation was made and accordingly, the concerned workman is entitled for the relief as prayed for.

8. On the other hand the Ld. Lawyer for the management has vehemently argued that the concerned workman did not raise any objection regarding his regularisation in Gr. 'G'. He raised such dispute after a long period in the year 2000. Beside this he was regularised in Grade-'G' just on receipt of Police verification report and he had been appointed on compassionate ground. Accordingly he is not entitled to get any relief.

9. To appreciate the argument advanced on behalf of the parties, it is desirable to go through the oral as well as documentary evidence available in the record. As per the statement of WW-1 he was appointed as Security Guard (Trainee) on 28-6-89 in Cat. I. His training period was for 6 months. After training he was posted at Central Workshop Barkakana as Security Guard but the management did not regularise him. He was designated as Trainee Security Guard in Cat. I. He submitted representation to the management for his regularisation as Security Guard in Gr. 'G' as per cadre scheme. He submitted his representation prior to 10-5-93 for his regularisation in Security Guard Gr. 'G'. On 10-5-1993 management regularised him on the post of Security Guard Grade-'G'. He was on training for 6 months. But after completion of his training instead of his regularisation in Security Guard Gr. 'G', his case was considered after 4 years. There are instances that

management had regularised Security Guard after completion of 6 months training. But he cannot recollect the names of those workmen at this moment. His claim is justified and he is entitled for the relief as prayed for during cross-examination he has stated that he has got his appointment as Security Guard (T) on compassionate Ground. He has proved his appointment letter. He raised industrial dispute before the ALC(C) Ranchi in the year 2000 as the management refused to offer him Security Guard in Grade-G in spite of his several representations. It is not a fact that regularisation in Grade-G is given only from Grade-H as per NCWA. The other workmen who had got their regularisation as Security Guard in Grade-G did not get their appointment along with him. This is not a fact that those workmen who have got regularisation as Security Guard in Grade- G initially were posted as Security Guard Gr.H.

10. On the other hand the evidence of MW-1 who is working as Personnel Manager in Central Workshop Barkakana is that Ramjiram was appointed on compassionate ground. He had come in Cat.I (trainee). He was given Grade-G. The person who is appointed the details etc. are verified by Police. The police verification report of the concerned workman was received in August, 1992. After receipt of the report he was given Grade-G. When he was posted in Grade-G he raised the dispute regarding Grade-G from 1989 in the year 2006. The appointment to the post is made in accordance with the recruitment rules. In regard to appointment on compassionate ground rules of recruitment are not followed. He remained on training and after completion of training he is appointed as Cat. I Mazdoor. His claim for appointment in Grade-G since 1989 is not justified. During cross-examination when he was shown Ext.W-1 (it appears appointment letter of Ramji Ram) then the witness has said it has been mentioned about the fact of probation for a period of 6 months. The probation period was not extended. The concerned workman was sent for training as Security Guard at Security Training Institute Pandra. He had completed the training successfully. In the case of first promotion the police verification report etc. are seen. He has also proved the circular regarding placement of Security Guard as well as Cadre scheme for security personnel. In response to the question that the workman ought to have been promoted in Grade-G after completing successfully the probation period and training period in accordance with the provision of Cadre Scheme, the witness says that cadre scheme is meant for Security guard Grade-H. He does not know that Jalil Mian, Chatur Prasad, Kali Mian, Ramkunjan Mahato were appointed in the year 1989 and were regularised in 1990.

11. From the submission made on behalf of the management it appears that the claim of the concerned workman has been denied on the following ground.

- (i) Delay in raising the dispute.
- (ii) Appointment on compassionate ground.

- (iii) Appointment of concerned workman as Cat. I Mazdoor.
- (iv) Cadre scheme for security personnel is not applicable.
- (v) Requirement of Police verification report for regularisation in Grade-G only in the case of Security personnel and not as Security Guard trainee personnel.

12. As far as question of delay is concerned this reference has been received on 14-2-2001. It appears from the evidence on record that prior to the reference made by the Govt. of India the dispute was raised before the ALC(C) during the year 2000. As far as oral evidence of the concerned workman is concerned it appears that he had raised the dispute even prior to 1993 and thereafter he was regularised in Grade-G from 10-5-93. There is no document on record to show that the dispute was raised prior to 1993 though the concerned workman during oral evidence stated about several representations filed in this regard. However, the representative of the union has submitted that the dispute was raised much earlier before 1993 and due to such reason he has been given Grade-G from 10-5-1993 instead of 29-12-89 after completion of probation period. He has submitted that when the law and rules provide for regularisation/promotion of concerned workman in Gr.-G as per cadre scheme for Security Personnel issued during the year 1985 (much earlier to the appointment of the concerned workman) question of raising any dispute does not arise. The management is not required to wait for the representation and raising any dispute. The law/rules ought to have been implemented once the concerned workman was found suitable in this regard and had completed probation period successfully which is the case here.

13. As far as cadre scheme for security personnel is concerned workman it appears to have been issued on 16-1-1985 and this fact has not been disputed by the management. However, it appears that it relates to the Security Personnel of Grade-H. This aspect of the matter will further be discussed in the later portion of the judgement. But all it appears that the concerned workman was appointed in the year 1989 and the cadre scheme of the Security Personnel is applicable in case if he satisfied the criteria mentioned therein. From a plain reading of this schedule it does not appear that the concerned workman was required to file any representation/or to raise industrial dispute rather the case of promotion regularisation has to be considered automatically in the light of the cadre scheme for Security Personnel. Beside this the management has not shown any law/rule/circular that there is limitation to raise such dispute. Accordingly I am of the view that the prayer of the concerned workman cannot be rejected merely on the ground that the dispute was at the later stage.

14. Much argument has been advanced that the concerned workman was appointed on compassionate

ground therefore he cannot be equated with regular employee so far the promotion /regularisation in Grade-G is concerned. Beside verbal submission and evidence of MW-1 no rule/law/circular has been placed before this Tribunal by the management to show that the promotion/regularisation matter is different to the employee appointed on compassionate ground. A plain reading of Ext.W-3, it appears that it is applicable to all concern. There is nothing specifically mentioned that the same is not applicable in the case of employees appointed on compassionate ground. Accordingly, I do not find any merit in the submission of the management that the concerned workman is not entitled for promotion /regularisation merely on the ground that he was appointed on compassionate ground.

15. The management has raised objection that the concerned workman was appointed as Cat.I Mazdoor. He was not a Security Personnel in Grade-H. Therefore, cadre scheme for security personnel is not applicable to him. In this context the concerned workman has not brought any documentary evidence to show that he was a Security Personnel in Grade-H. However, it has been submitted that Security Guard (T) Cat.I stands on similar footing of Grade-H and for all the purpose of regularisation of promotion in Grade-G he has to be considered equal to the Security Guard Grade-H and he ought to have been regularised/promoted in accordance with the provision of cadre scheme of Security Personnel. In this context while going through Ext.W-1 it appears that the concerned workman was appointed as Security Guard (T) Cat.I and he was put on

probation for 6 months. From Ext.W-2 it appears that during the year on 22-1-93 the Chief of Security of CCL had written letter to all concern regarding regularisation of security personnel in Grade-G in accordance with the office letter dt. 26-3-91 and cadre scheme dt.10-10-91. In this letter reference of Security Guard in Grade-H and about Security Guard (T) Cat. I has been mentioned. From perusal of this Exhibit it appears that steps were to be taken for regularisation of Security Guard Grade-H as well as Security Guard Gr. (T) Cat.I who have gone under training and successfully completed the probationary period were to be regularised in Grade-G with immediate effect.

16. The representative of the union has explained that the aforesaid letter Ext.W-3 was issued by the Chief of Security as the promotion /regularisation matter was not effectively being taken by the management in accordance with the cadre scheme for security personnel which has not been disputed i.e. about issuance of such letter.

17. From a plain reading of Ext.W-3 it appears that Security Guard Grade-H as well as Security Guard (T) both are to be regularised in Grade-G. Thus it appears that Grade-H Security Guard as well as Security Guard (T) Cat.I who have gone under training and have completed training period successfully are entitled for promotion/regularisation in Grade-G.

18. In the aforesaid context the relevant portion of the Cadre Scheme for Security personnel reads as follows:—

CADRE SCHEME FOR SECURITY PERSONNEL SECURITY GUARD TO SR. INSPECTOR.

Sl. No.	Designation	Grade/Scale of pay	Minimum qualification (Educational/Tech.)	Eligibility for promotion	Mode of promotion
1.	Security Guard	Tech.&Sup. Gr.G Rs. 580-16-804	(i) Literate	(i) All security personnel who are presently in Gr. H irrespective of their designation will be screened out. Those who conform to the norms of appointment as Security Guard as mentioned in the Note No. 1 below and are already trained will be placed in Grade 'G'. Those who conform to the norms but are not trained will be sent for training for a period of 3 months and on successful completion of the same will be placed in Gr. 'G'.	DPC/ Interview Selection

19. The relevant portion specifically states about all the Security personnel who are posted in Grade-H irrespective of their designation will be screened out. Considering the contents of Ext. W-2 and W-3 it appears that all Security personnel of Grade-H as well as Security Grard (T) Cat. I are to be screened out and if they satisfy the condition they are to be placed in Grade-G after completion of training period. Accordingly it appears that

though the designation of the concerned workman is Security Guard (T) Cat. I but it appears that cadre scheme for security personnel is applicable for him also.

20. From Ext. W-1 it appears that the concerned workman was to be on probation for a period of 6 months. After expiry of this period and on receipt of satisfactory report about his work and conduct his retention in service for further period will be considered. There is nothing on

record to show that the period of probation of the concerned workman was extended rather the evidence of MW-1 shows that the period of probation of the concerned workman was not extended. From evidence of MW-1 it also appears that the concerned workman had completed the training successfully. In accordance with the cadre scheme of Security Personnel it appears that the concerned workman has satisfied the requirement and it also appears that after such completion of training he ought to have been promoted/regularised in Grade-G.

21. Much argument has been advanced that as per provision the concerned workman was promoted/regularised in Grade-G on receipt of police verification report. In this context para-10 of the appointment letter (Ext. W-1) has been referred which shows that at the time of appointment the concerned workman was asked to furnish character certificate from the person not below the rank of MLA/MP/District Magistrate/Gazetted Officer/Project Officer/ Sr. Personnel Officer of the company and 11(eleven) copies of passport size photographs 3(three) joint photographs under para 9.4.3 duly attested. The concerned workman has submitted that after complying with the provision of para-10 of Ext. W-1, the concerned workman had furnished the required certificate of the competent authority. So the question does not arise to keep the matter pending for promotion/regularisation in Grade-G for want of police verification report. The same may be called for at any stage. But it has nothing to do with regard to the promotion of Grade-G.

22. On behalf of the management nothing has been brought on record to controvert the fact that the required character certificate by the competent authority was not filed by the concerned workman at the time of appointment. No rule/circular/letter by the management has been produced to show that the concerned workman will be regularised in a particular grade only on receipt of police verification report. Normally the police verification report is called and it is received at much later stage and the matter of regularisation/promotion has to be considered from the date of completion of the criteria as mentioned in the cadre scheme, particularly in the circumstances when no any letter/circular/law/rule have been placed before this Tribunal by the management that a person can be regularised in Grade-G only when such report is available.

23. For the reasons stated above it appears that the concerned workman Ramjee Ram is entitled for promotion/regularisation in Grade-G after he had completed probation period and completed the required training in accordance with the cadre scheme for security personnel. However, the said cadre scheme shows that the mode of promotion has to be done by DPC/Interview/Selection. In these circumstances the management will take necessary steps for promotion/regularisation of the concerned workman in Grade-G from the date he had completed probation period and training period i.e. from 29-12-89 as required and other

conditions as required in cadre scheme for security personnel.

24. For the reasons stated above the demand of Janta Mazdoor Sangh to place Ramjee Ram, Security Guard (Trainee) as Security Guard Grade-G with effect from 29-12-89 is legal and justified. He is entitled to be considered for promotion/regularisation in Grade-G following the procedure as stipulated in Cadre Scheme of Security personnel. In the result, the following Award is rendered :—

“The demand of Janta Mazdoor Sangh to place Sri Ramjee Ram, Security Guard (Trainee) as Security Guardgroup 'G' w.e.f. 29-12-1989 is legal and justified. Consequently he is entitled to be considered for promotion/regularisation in Grade-G following the procedure as stipulated in the cadre scheme of Security personnel.”

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 4 मार्च, 2008

का.आ. 713.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मै. बी.सी.सी.एल. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-II), धनबाद के पंचाट (संदर्भ संख्या 89/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/58/2005-आईआर(सी-I)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th March, 2008.

S.O. 713.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 89/2005) of the Central Government Industrial Tribunal/Labour Court (No.-II), Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 4-3-2008.

[No. L-20012/58/2005-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

LOKADALAT

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Present : Shri Nagendra Kumar, Presiding Officer

Reference No. 89 of 2005

Parties : Employers in relation to the management of Mines Rescue Station, Dhansar of M/s. BCCL and their workman.

Appearances :

On behalf of the workman : Mr. Naresh Pd. Mahato, the concerned workman himself

On behalf of the employers : Mr. U.N. Lal, Advocate

State : Jharkhand Industry : Coal
Dated, Dhanbad, the 25th February, 2008

AWARD

The Government of India, Ministry of Labour and Employment in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/58/2005-IR(C-I), dated the 13th September, 2005.

SCHEDULE

“Whether the demand of the INMOSSA from the management of BCCL, Mines Rescue Station Dhansar that upon promotion as Mining Sirdar w.e.f. 29-5-2002 Sh. Naresh Prasad Mahato, may be allowed basic pay protecting the emoluments drawn by him as Minor Loader before the said promotion, is justified? If so, to what relief is the workman entitled?”

2. In response to appeal made by this tribunal for disposing of this case through Lok Adalat management and the concerned workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and conditions incorporated in the said settlement petition appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the same is accepted. In view of the facts and circumstances discussed above instant case is disposed through Lok Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties. The settlement petition forms part of the Award as Annexure.

NAGENDRA KUMAR, Presiding Officer

ANNEXURE

FORM 'H'

Memorandum of settlement arrived at with the workman

Sri Naresh Prasad Mahato, Minor/Loader placed in Tech. & Supervisory Grade 'C' and INMOSSA with the Management of Mines Rescue Services, Dhansar.

Representing the Management

1. Sri B. Rama Rao, CGM, (Safety & Rescue)
Mines Rescue Services, Dhansar
2. Sri Amit Bhushan, Personnel Manager,
(Mines Rescue Services)

Representing the Management

1. Sri Naresh Pd. Mahato, Mining Sirdar,
(Mines Rescue Stn.) Dhansar, RR Murlidih

2. Sri V.S. Pandey, Central Jt. Secy.,
INMOSSA, Dhanbad

3. Md. Hasim, Secretary, INMOSSA, BCCL

Short Recital of the Case

Sri Naresh Prasad Mahato, Mining Sirdar had been demanding for proper fixation of his pay on placement to the post of Mining Sirdar in T&S Gr. 'C'. An Industrial Dispute was raised by the General Secretary INMOSSA before the Asstt. Labour Commissioner(C), Dhanbad vide I.D. No. 1/19/2004 E-6. The same had ended into failure. However, the Indian National Mine Official Supervisory Staff Association and the workman concerned had been demanding for proper fixation of pay in T&S Gr. 'C'. The matter was taken up with the Hdqrs. and after getting approval finally it has been decided to settle the above matter on the following terms & conditions :—

Terms of Settlement

1. That the case of Sri Naresh Prasad Mahato was considered by the Departmental Selection Committee on his acquiring the requisite qualification and experience and on the recommendation of the said Committee he was placed in T&S Gr. 'C' as Mining Sirdar vide Office Order No. 10382-407 dated 29-5-2002.

2. That the pay of Sri Naresh Prasad Mahato, Mining Sirdar is fixed at Rs. 7330.00 in the pay scale of Rs. 6724-202-10360/- w.e.f. 27-6-02.

3. That the workman concerned would be entitled to get the annual increment as usual as per policy of the company as under :—

July, 2003	Rs. 7532.00
July, 2004	Rs. 7734.00
July, 2005	Rs. 7936.00
July, 2006	Rs. 8138.00

The next date of annual increment would fall due on July '07.

4. That Sri Naresh Prasad Mahato and the INMOSSA would withdraw the Ref. Case No. 89/05 from the CGIT No.-II Dhanbad, as no dispute now subsists and the matter stand finally settled once forever.

5. That the above settlement would be treated as full and final in the above matter and no dispute for the same issue would be raised at any forum/court at any point of time.

6. That the above settlement would be effected after the Reference case is finally disposed off by the CGIT No.-II, Dhanbad.

Representing the Management	Representing the Workman	Representing the Association (INMOSSA)
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1. —Sd—Illegible Sd	1. —Sd—Illegible Sd
2. —Sd—Illegible Sd	2. —Sd—Illegible Sd
	3. —Sd—Illegible Sd

Witnesses:

1. —Sd Illegible—
2. —Sd—Illegible

Copy forwarded for necessary action

1. The Regional Labour Commissioner (C), Dhanbad.
2. The Presiding Officer, Central Govt. Industrial Tribunal No. 2, Dhanbad.
3. The Ass't Labour Commissioner (C), Dhanbad.
4. CGM (P&IR), BCCL, Koyla Bhawan.

—Sd—Illegible
—Sd—Illegible

नई दिल्ली, 5 मार्च, 2008

का.आ. 714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एवं सिन्ध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं-2, नई दिल्ली के पंचाट (संदर्भ संख्या 45/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/11/2005-आईआर(बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 5th March, 2008

S.O. 714.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 45/2005) of the Central Government Industrial Tribunal/Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of M/s. Punjab and Sindh Bank and their workmen, received by the Central Government on 5-3-2008.

[No. L-12012/11/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. Rai
I. D. No. 45/2005

IN THE MATTER OF :

Sh. Mahesh Chand,
S/o Late Sh. Raghbir Saran,
R/o 83, Attarpura Railway Road,
Hapur, Distt. Ghaziabad,
Uttar PradeshClaimant

VERSUS

M/s. Punjab & Sind Bank,
Bank House, 21, Rajindra Place,
New Delhi.
M/s. Punjab & Sind Bank, Timber Nagar,
Garh Road, Hapur, Ghaziabad,
Uttar Pradesh.Respondent

AWARD

The Ministry of Labour by its letter No. L-12012/11/2005-IR(B-II) Central Government dated 30-5-2005 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the workman Mahesh Chand, S/o Late Raghbir Singh was in continuous employment in the Punjab and Sind Bank, Hapur Branch, Ghaziabad during the period from 23-11-1987 to 30-5-2003 ? If so whether his termination/disengagement w.e.f. 31-5-2003 without any notice and compensation under Sections 25F, G & H of the Industrial Disputes Act, 1947 is legal and justified and to what relief the concerned workman is entitled to?”

The workman-applicant has filed claim statement. In the claim statement it has been stated that the workman Mahesh Chand S/o Sh. Raghbir Singh was working with the management M/s. Punjab and Sind Bank, Bank House, 21, Rajinder Place, New Delhi and posted last in its branch office Punjab and Sind Bank, Timber Nagar, Garh Road, Hapur, Ghaziabad (UP).

That the workman started his work with the management on 23-11-1987 as a peon and his last drawn wages was a sum of Rs. 4,500/- pm and other benefits.

That the workman was working diligently and honestly and the management had no complaint so far his job concerned.

That the workman was posted at many branches of the above-said M/s. Punjab and Sind Bank. He was working continuously more than 240 days per year, so the workman was entitled to regularization for the post of peon.

That the workman demanded for regularization but the management refused the demand of regularization. The workman has sent many letters to M/s. Punjab and Sind Bank, Bank House, 21, Rajindra Place, New Delhi.

That the workman demanded many times for regularization of services but the management terminated the services of the workman without any notice, charge sheet, without pay and retrenchment compensation. The workman has done his duty very faithfully towards the management and the workman never gave any chance for any complaint.

That the workman filed his claim statement before ALC for adjudication but the management did not take any interest to compromise/settle the matter and the Hon'ble ALC transferred the matter to Government of India, Ministry of Labour. There also the management did not take any interest to compromise/settle the matter.

The matter sent to adjudication for the Presiding Officer, CGIT-cum-Labour Court, Rajindra Bhawan, New Delhi.

Under these circumstances, it is most humbly prayed that the management may be directed to reinstate and

regularize the services of the workman with full back wages and other benefits to the workman in the interest of justice.

The management has filed written statement. In the written statement it has been stated that the workman never worked in Punjab and Sind Bank, Branch Hapur regularly from 23-11-1987 to 31-5-2003.

That the court has no jurisdiction to decide this case.

That the workman has not completed 240 days work in the branch and all those workmen who completed 240 days have been regularized at regular intervals. The brother of the workman Sh. Devender Kumar completed 240 days in a calendar year and he has been given regular appointment.

That the workman was never appointed in the Branch and there is no question of his services being terminated by the bank.

That the workman was called for interview in the years 1992 and 1995 but he had not completed 240 days, so he was not selected for filling up the vacancies.

That the workman was engaged in leave vacancy of the casual and regular workers but he has not worked in any branch office for 240 days in a calendar year or preceding the date of termination of his services. His statement regarding his wages being Rs. 4500/- is altogether incorrect.

The workman has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he worked continuously in the Hapur Branch of the Punjab and Sind Bank from 23-11-1987 to 30-5-2003. His services were illegally terminated on 31-5-2003. The workman started his work on 23-11-1987 at the wages of Rs. 4500/-. He has worked for more than 240 days continuously per year. He demanded regularization. The management was annoyed and his services were terminated illegally.

It was submitted from the side of the management that the workman has worked intermittently. He never worked continuously for 240 days. He was engaged against leave vacancy as stop gap arrangement.

The workman has filed photocopy of ledger, page B-48 to B-67. This ledger is regarding payment made to the casual labourers. The payments have been made to several workmen. On some pages the name of the workman also appears. This ledger is for casual labourers of the years 2001 to 2002 but payment has been made to Sh. Mahesh Chand intermittently for sometimes. From perusal of this ledger photocopy it also transpires that payments to the other casual labourers has also been made. The name of

Sh. Mahesh Chand appears on only a few pages. It is not established by this document that the workman has worked regularly for one year.

The workman has filed paper No. B-98. From perusal of this document it transpires that the workman has worked in the years 1987, 1988, 1989 & 1990 but in every year he has not worked for more than 100 days at the maximum.

It was submitted from the side of the management that the workman was engaged as casual labour on the basis of additional increase of work. As per the bank's policy the workman who completed 240 days were interviewed in 1992 and 1995. This workman was also called for interview but it was found that he has not worked for 240 days in any of the years whereas his brother Sh. Devender Kumar has been given regular employment as he has completed 240 days. The interview letters issued by the management have been filed on the record thus, it is vividly established that the workman was called for interview on two occasions but he was not given regular employment as he has not completed 240 days work. The other candidates who had completed 240 days work have been given regular appointment. The brother of the workman has also been given appointment as he has performed 240 days work in a year.

The workman has filed photocopy of the ledger for his engagement in 2001 and 2002 but he has hardly worked for more than 100 days in these two years. He has filed certificate of the management regarding his working days of 1987, 1988, 1989 & 1990 but in none of the these years he has performed 240 days' work. The bank sent interview letters to all the casual labourers and services of those casual labourers have been regularized who performed 240 days work. The workman has performed 420 days' work from 1987 to 1999. He has not completed 240 days in any calendar year. He has not completed 240 days either in 2001 or 2002.

It is settled law that the burden is on the workman to prove by cogent documentary evidence that he has worked for 240 days in any calendar year or within 12 calendar months preceding the date of his termination of his services.

The averment of his claim and affidavit that he has worked continuously from 1987 to 2003 is absolutely false. He is not entitled to get any relief as prayed for.

The reference is replied thus :

The workman Mahesh Chand S/o Late Raghbir Singh was not in continuous employment in the Punjab and Sind Bank, Hapur Branch, Ghaziabad during the period from 23-11-1987 to 30-5-2003. The workman-applicant is not entitled to any notice pay and retrenchment compensation u/s 25 - F,G & H of the ID Act, 1947 as he has not completed 240 days in any of the years of his engagement or within 12 months from the date of termination of his services.

The award is given accordingly.

Dated : 28-2-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 7 मार्च, 2008

का.आ. 715.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 05/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/320/1999-आई आर(बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2008

S.O. 715.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.05/2003) of the Central Government Industrial Tribunal-Cum Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 7-3-2008.

[No. L-12012/320/1999-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri N.K.R. Mohapatra, Presiding Officer,
C.G.I.T. -cum Labour
Court, Bhubaneswar.

Industrial Dispute Case No. 5 of 2003

Date of Passing Award 18th January, 2008

BETWEEN:

The Management of the Deputy
General Manager, State Bank of India,
Zonal Office, At./PO./PS. Berhampur,
Dist. Ganjam, Orissa.

.....1st Party-Management

AND

Their Workman Shri Susanta Kumar Panda,
S/o, Shri B.B.Panda, At./PO. Dharmagarh,
Near Arvinda School, Dist. Kalahandi,
Orissa Pin—766001.

....2nd Party-Workman

Appearances:

Shri P.K. Mohanty,For the 1st Party-
Manager (Law) Management.

Shri Pradip Mohanty.For the 2nd Party-
Workman.

AWARD

The Government of India in the Ministry of Labour
in exercise of Powers conferred by Section 7-A read with

sub-section (1) of Section 33-B of the Industrial Dispute Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12012/320/1999-JR (B-I), dated 03-03-2003.

“Whether the action of the management of State Bank of India in terminating the services of Shri Susanta Kumar Panda, ex-temporary Messenger is justified? If not, what relief the disputant is entitled to?”

2. It is alleged by the workman that he was appointed as a Messenger from 6-11-1986 in the State Bank of India, Dharamgarh Branch under the administrative control of the 1st Party-Management. Having continued in that post for several years continuously he made a representation for his regularization and it was duly recommended by the Branch Manager in the letter dated 10-7-1997 for the permanent absorption. But unfortunately the Management terminated him from 15-4-1999 without assigning any reason thereof. On his raising an Industrial Dispute the Central Government also initially refused to make any reference for which he filed O.J.C. 3656/2000 before the Hon'ble High Court, Orissa. However, the present reference is the outcome of the order of the Hon'ble Court passed in that O.J.C. It is further alleged by the workman that his removal from service not being in accordance with law, he should be reinstated in service with full back wages and other service benefits.

3. The 1st party Management on the other hand has averred that the various stands taken by workman are not correct and that the same suffers from suppression of material facts. According to the Management the workman was engaged intermittently during the period 1-1-1986 to 31-12-1987 as a temporary Peon/Messenger against casual vacancy of regular staff. Like the workman many other persons were also engaged in other branches of the bank. To provide regular employment to these workers a demand was made by the workers federation and accordingly a settlement was reached between the State Bank of India and All India State Bank of India Staff Federation on 17-11-1987 and according to the terms and conditions of the said settlement applications were invited from these categories of workers and they were categorized as A,B,C depending upon the period of their engagement. The disputant was accordingly placed under Category-C. In the meantime several other agreements were entered into with the aforesaid Federation extending the period of operation of the settlement dated 17-11-1987. According to the terms and conditions of the said settlement persons categorized as A,B, C were called upon to face necessary interviews and they were empanelled in their respective wait-list to be absorbed against the existing vacancies and the newly created posts between 31-3-1997. It is further alleged by the Management that on the basis of several circulars issued in tune with the settlement reached with the Federation many such temporary workers were absorbed depending upon the available vacancy position

but the workman in question could not be accommodated for his chances did not come within the cut off date 31-3-1997. As according to the terms of settlement the workman was not to be engaged further beyond that date, he filed O.J.C 2917/1997 before the Hon'ble High Court claiming his regularization and continued thereafter as the basis of an order passed by the Hon'ble Court in their Misc. Case No. 2320/97 and on the dismissal of his writ petition (O.J.C. 2917/97) on 4-12-1998 he was disengaged permanently from 15-4-1999 on payment of one month's advance pay as a precautionary measure. In the above background it is further contended by the Management that, the workman's continuance up till 15-4-1999, being the outcome of an order of the Hon'ble Court passed in its Misc. Case No. 2320/1997 and his termination from service being the resultant outcome of the agreement with the Federation, his above termination can not be treated as retrenchment and as such he is not entitled for any relief as claimed by him.

4. On the basis of above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the workman was appointed as a Messenger by the Management with effect from 6-11-1986?
2. Whether the workman was in continuous employment till the alleged date of termination?
3. Whether the Management is justified in terminating the services of the workman pursuant to the bi-partite/tri-parite settlement and without due compliance of the provisions under section 25 of the Industrial Dispute Act, 1947?
4. If not, what relief the disputant is entitled to?
5. The workman has examined himself in support his case besides producing several other documents marked Ext.-1 to Ext.-7. The Management on the other hand as also examined one of its officers besides producing documents marked as Ext.-A to Ext.-L.

FINDINGS

ISSUE NO. 1, 2, 3, & 4

6. These issues are taken up together as they are inter-linked. From a common judgement of Orissa High Court passed in O.J.C. 2787/97 and many other cases of 1997 it appears, as contended by the Management, that in order to facilitate regularization of temporary Messengers/workers working in different branch banks of the Management an agreement was reached between the State Bank of India and the Federation on 17-11-1987 and that the said settlement was followed by many other settlement extending the period of the cut off date prescribed under the settlement dated 17-11-1987. It also transpires from the above judgement that pursuant to such settlement interviews of different temporary workers were made and they were empanelled as wait-listed candidates to be

absorbed against permanent vacancies and the vacancies to be created by the Management within the cut-off date expiring on 31-3-1997. It also transpires that when some of the wait-listed candidates could not be absorbed within the cut-off date they used to file several O.J.Cs before the Hon'ble High Court claiming regularization. The workman had also filed one such case bearing No.O.J.C. 2917/1997 for similar relief but admittedly all these cases were dismissed by the Hon'ble Court on the basis of a common judgement passed in O.J.C. 2787/1997. The said judgement which is available on record indicates further that, one panel for temporary employees and another panel for daily wage/casual labourer were prepared on the basis of interview/selection and it was agreed by the Management and the Federation that the modalities about drawing of names from either the panel of temporary workers or the panel of daily wagers shall be decided administratively on circular basis in consultation with the Federation. It is both on record and evidence that persons drawn from these panel at a given ratio were regularized giving due weightage to the reservation principle. Therefore, in these premises it can not be said that the Management should have regularized the empanelled persons serially. In the instant case it is claimed by the disputant during trial that though he was placed in third position in the list he was terminated while some of his juniors were regularized. He has also named some socalled junior persons who have been regularized in service but on comparison of the same it is found that the names mentioned in the Claim Statement are different from those mentioned during the trial. Further, during cross-examination he could not say to which category these persons were belonging. Therefore, in absence of substantial materials it can not be said that persons were junior to the workman. On the other hand the evidence of the Management shows that some of these persons which were subsequently regularized were belonging to the Category-A, while the workman was belonging to Category-C. It is also in the evidence of the Management that as per the settlement and the circulars issued thereon persons belonging to Category-A were to be absorbed first and accordingly the vacancies available in the Berhampur Zone were all filled up but the workman's position being 48 in Category-C he could not be regularized within the cut-off date for want of vacancies. While speaking about one Kunu Bhagat who according to the workman was regularized being his junior, the Management Witness has deposed that the said Kunu Bhagat was belonging to non-Messengerial cadre and therefore, according to the agreement, he was absorbed in the post of Messenger his name being in A-Category of non-Messengerial staff. The documents marked Ext.-L shows that the workman was not empanelled in Category-A, but in Category-C his position was 48 but not 3 as claimed by him. Therefore, under these premises the stand of the workman that ignoring his case his juniors were given permanent appointment does not appear to be true.

7. It is in the record that when the Management decided to terminate those who could not be regularized within the cut-off date the workman and many others filed different writs before the Hon'ble High Court claiming their regularization. It is also on record that, after the aforementioned settlement was reached between the Management and the Federation all the temporary workers and casual workers were asked to submit their Bio Datas detailing therein the period of service they had rendered to the bank and on the basis of their disclosed length of service they were categorized as A, B and C. The workman during cross-examination has admitted to have filed one such Bio Data marked Ext.-A/1 which indicates that in 1986 he had only worked for 24 days while in 1987 he had worked for 159 days as temporary Messengers. Therefore by the time the Management contemplated of disengaging the workman and others, pursuant to the settlement, the workman had not worked continuously for 240 days in the preceding year but on the basis of an order (Ext.-H) passed by the Hon'ble High Court in Misc. Case No. 2320/97 arising out of O.J.C. 2917/97 he was allowed to continue as before instead of facing termination till the disposal of the above O.J.C. Therefore, the subsequent engagement period generated on the basis of Ext.-H being of the nature of "litigious employment" the said period can not be computed while calculating the total working days of the workman. Therefore, when workman had not worked continuously for 240 days by the time the Management thought of terminating him from service, his subsequent disengagement on the basis of the result of his writ can not be termed as illegal termination. Furthermore it has been admitted by the workman that, while disengaging him from job he has paid one month advance pay and according to the Management the said payment was made by the Management to be on the safe side. Under these premises I find no merit in the claim of the workman and accordingly the reference is answered with no relief.

8. Reference is answered accordingly.

N.K. R. MOHAPATRA, Presiding Officer

List of Witnesses examined on behalf of the 2nd Party-Workman.

W.W. No. 1—Susanta Kumar Panda.

List of Documents exhibited on behalf of the 2nd Party-Workman

Ext.-1- Certificate granted to the workman by the Branch Manager.

Ext.-2- Copy of letter of the A.G.M. to the Regional Office seeking permission to engage the workman.

Ext.-3- Copy of letter A.G.M. by which the workman was engaged.

Ext.-4- Copy of letter of Br. Manager, Dharmagarh Br. To absorb the workman in the permanent capacity.

Ext.-5- Copy of the termination letter issued to the workman.

Ext.-6- Copy of the cheque issued to the workman towards payment of one month advance pay.

Ext.-7- Copy of the self made statement prepared by the workman.

List of Witnesses on behalf of the 1st Party-Management.

M.W. No. 1- Biswa Ketan Das

List of Documents exhibited on behalf of the 1st Party-Management.

Ext.-A- Copy of the application of the workman for the post of temporary Messenger in the Bank.

Ext.-A/1- Enclosure of Ext.-A.

Ext.-A/2- Enclosure of Ext.-A.

Ext.-A/3- Enclosure of Ext.-A.

Ext.-B- Copy of settlement dated 17-11-1987.

Ext.-C- Copy of settlement dated 16-7-1988.

Ext.-D- Copy of settlement dated 27-10-1988.

Ext.-E- Copy of settlement dated 9-1-1991.

Ext.-F- Copy of minutes of meeting held on 9-6-1995.

Ext.-G- Copy of the settlement dated 30-7-1996.

Ext.-H- Interim order passed by the Hon'ble High Court in OJC 2917/97.

Ext.-J- Xerox copy of final order passed by the Hon'ble High Court in a common judgement covering O.J.C. No. 2917/97.

Ext.-K- Copy of counter filed by the Management in OJC 2917/97.

Ext.-L- Copy of waiting list of candidates selected for appointment as per interview held on 8/89.

नई दिल्ली, 7 मार्च, 2008

का.आ. 716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 34/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2008 को प्राप्त हुआ था।

[स. एस-12012/16/2005-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2008

S.O. 716.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the management of State Bank

of India and their workmen, received by the Central Government on 7-3-2008.

[No. L-12012/16/2005-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI R.G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR**

Industrial Dispute No. 34 of 2005

BETWEEN:

Sh. Sharda Prasad S/o Sh. Barsati Ram
Mohalla Pandul Road, Town Cappainganj
Post Cappainganj
Distt. Basti, U.P.

AND

The Chief Manager
Personnel & HRD
State Bank of India
Town Hall Gorakhpur.

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-12012/16/2005-IR(B-I) dated 3-9-05, has referred the following dispute for adjudication to this tribunal:—

KYA PRABANDHAN STATE BANK OF INDIA
BASTI DWARA CASUAL MESSENGER SRI
SHARDA PRASAD SON OF SRI BARSATI RAM
KO BANK KI NAUKARI ME NIYAMIT NAKIYA
JANA UCHIT TATHANYAY SANGATHAT? YADI
NAHI TO KARMKAR KIS ANUTOSH KO PANE
KA ADHIKARI HAI?

2. A bare perusal of the schedule of reference order would go to reveal that the schedule of reference order is on the point of non regularisation of the service of workman by the management of State Bank of India, Gorakhpur, whereas as per own pleading of the workman as given in para 26 of his claim statement his services have been dispensed with by the management of State Bank of India with effect from 23-09-04 in breach of provisions of sec. 25F, 25G and 25H of Industrial Disputes Act, 1947, and rules made thereunder. Therefore, it stands clear that the terms of reference order and the pleadings of the workman are not in conformity with each other. In view of it the tribunal do not consider it fit to give other factual part of the case as such exercise would be totally futile in the eye of law as the workman is not going to get any relief as claimed by him. Moreover it is settled position of law that regularisation in the service cannot be claimed by such a worker who is not in the employment of his employer and whose services stands terminated. Unless termination of the employment is set aside by a competent court of law and the worker is directed reinstatement in the employment of his employer, he cannot claim regularisation of his services.

3. From this point of view, the workman cannot be held entitled for any kind of relief as claimed by him unless his termination of service is set aside and he is reinstated in the service of his employer in the same capacity which he occupied at the time of termination of his service.

4. Reference order, therefore, is answered in negative against the workman and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 11 मार्च, 2008

का.आ. 717.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बन्ने स्टैण्डर्ड कम्पनी लिमिटेड के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम व्यायालय चेन्नई के पंचाट (संदर्भ संख्या आई.डी. 84/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-27011/2/2007-आई आर(एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 717.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 84/2007) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Burn Standard Co. Ltd. and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-27011/2/2007-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI**

Friday, the 29th February, 2008

PRESENT : K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 84/2007

[In the matter of dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Burn Standard Company Ltd. and their Workman]

BETWEEN

The General Secretary Union Salem Mavatta Magenseite Pattali Thozhir Sangam Arabic College Building Vellakkalpatti Post Salem - 636012	: I Party/Petitioner
---	----------------------

Vs : II Party /Respondent

The General Manager
Burn Standard Co. Ltd.
Post Bag No. 565
Salem - 636005

APPEARANCE:
For the Petitioner : None
For the Management : Sri M.R. Raghavan

AWARD

The Central Government, Ministry of Labour vide its Order No. L-27011/2/2007-IR(M) dated 3-12-2007 referred the following industrial dispute to this Tribunal for adjudication.

The schedule mentioned in the order is:

“Whether the management of Burn Standard Co. Ltd., is legal and justified in refuting the Salem Mavatta Pattali Thozhir sangam in wage negotiation? Whether the demand of wage revision raised by Salem Mavatta Pattali Thozhir Sangam is legal and justified? If so, to what relief is the workmen entitled to?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 84/2007 and issued notices to both sides. After that the Respondent appeared for the first hearing. He has not appeared for the subsequent hearings. Respondent called absent and set ex-parte.

3. In this case, even though notices were served to the petitioner twice. He has not appeared before this Tribunal and the petitioner was set ex-parte. After that Respondent was called for memo of objection and even after 4 adjournments neither the Respondent nor its Advocate appeared before the Court. Respondent had also not filed memo of objection. Hence the Respondent also was set ex-parte.

Points for determination are:

(i) Whether the management of Burn Standard Co. Ltd., is legal and justified in refuting the Salem Mavatta Pattali Thozhir Sangam in wage negotiation? Whether the demand of wage revision raised by Salem Mavatta Pattali Thozhir Sangam is legal and justified?
(ii) If so, to what relief is the workmen entitled to?”

Point No. (i) & (ii)

4. In the reference, it is mentioned that whether the Respondent's action in refuting petitioner Sangam in wage negotiation is legal and justified and it is mentioned whether the demand of wage revision made by the petitioner Sangam is legal and justified. Therefore, the Petitioner Sangam is to establish that they are entitled to represent the demand for wage revision before the management and they have to further establish that their demand of wage revision is also legal and justified. And if they establish both these facts with satisfactory evidence then the burden shifts on to Respondent that their action in refuting to petitioner Sangam is legal.

5. But both parties have not appeared before this Tribunal to establish their contention and they remained absent and were set ex-parte. Under this averments, this Tribunal has no other go except to declare that no award can be passed in this dispute.

6. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th February, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:—

For the I Party/Petitioner : None

For the II Party/Management : None

Documents Marked :—

From the Petitioner's side

Ex. No.	Date	Description
		Nil

From the Management side:

Ext. No.	Date	Description
		Nil

नई दिल्ली, 11 मार्च, 2008

का.आ. 718.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सेठी एण्ड कम्पनी, नई दिल्ली के प्रबंधातार के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. सं. 225/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-29012/66/1999-आई आर(एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 718.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. No. 225/1999) of the Central Government Industrial Tribunal /Labour Court. II, New Delhi now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. Sethi & Co., New Dehli and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-29012/66/1999-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI

I.D. No. 225/1999

IN THE MATTER OF:

Sh. Pritam Singh,
S/o. Sh. Tunda Ram,
Vill: Anangpur,
Faridabad (Haryana).

—Claimant

VERSUS

M/s. Sethi & Co.,
M-105, Connaught Circus,
Near BMC Company,
New Delhi.

—Respondent

AWARD

The Ministry of Labour by its letter No. L-29012/66/99 IR(M) Central Government Dated. 9/15-11-1999 has referred the following point for adjudication:

The point runs as hereunder:—

“Whether the action of the management of Silica Sand Mines, Mohabatabad in terminating the services of Sh. Pritam Singh, Mining Mate (Blaster) w.e.f. 19-02-1998 is just and legal? If not, to what relief the workman is entitled.”

Pursuant to negotiations between the parties entered into full and final settlement, the workman has moved an application for withdrawal of his case. He has been paid Rs. 40,000 (Rs. Forty Thousand Only) in full and final settlement. He appeared before me and his signature was again taken and the signature of his own brother and one witness has also been taken. Both the parties have compromised the matter.

No dispute award is given.

Date: 28-02-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 11 मार्च, 2008

का.आ. 719.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मंधान मिनरल कॉर्पोरेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय II, धनबाद के पंचाट (संदर्भ संख्या 82/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-29011/33/2003-आई आर(एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 719.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.82/2003) of the Central Government Industrial Tribunal /Labour Court. No. 2 Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation

to the management of Mandhan Minerals Corporation and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-29011/33/2003-IR (M)]

N. S. BORA, Desk Office

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

LOK ADALAT.

PRESENT

Shri Nagendra Kumar, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

REFERENCE No. 82 of 2003

PARTIES: Employers in relation to the management of Mandhan Minerals Corporation and their workman.

APPEARANCES:

On behalf of the workman : Mr. S. N. Ghosh, Advocate.

On behalf of the employers : Mr. S. N. Sinha, Advocate.

State : Jharkhand Industry : Mines (Stone)

Dhanbad, the 25th February, 2008

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/33/2003-IR(M) dated, the 27th August, 03.

SCHEDULE

“Whether the action of the management of M/s. Mandhyam Minerals, Pakur in terminating the services of the workman, Sh. Jainarayan Pandey, w.e.f. 18-3-2002 for not complying Section 25-F of the I.D. Act., 1947 is legal and/or justified? If not, to what relief he is entitled to?”

2. In response to appeal made by this Tribunal for disposing of this case through Lok Adalat management and the workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and conditions incorporated in the said settlement petition appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the same is accepted. In view of the facts and circumstances discussed above instant case is disposed through Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties. The settlement petition forms part of Award as Annexur

NAGENDRA KUMAR, Presiding Officer

समझौता पत्र

आज दिनांक 23-10-2007 को ऐसर्स मध्यान मिनरल कॉरपोरेशन राज बांध, भालपहाड़ी, पाकुड़, झारखण्ड के प्रबंधक एवं उनके कर्मचारी के बीच निम्न समझौता हुआ ।

प्रबंधन प्रतिनिधि का नाम कर्मचारी का नाम
श्री तुलसी पाण्डेय श्री जयनारायण पाण्डेय

समझौता

श्री जयनारायण पाण्डेय पिता स्व. केष्टो पाण्डेय ग्राम राजापाड़ा पाकुड़, पोस्ट, जिला पाकुड़, झारखण्ड ऐसर्स मह्यान मिनरल कॉरपोरेशन, राजबांध, मालपहाड़ी झारखण्ड स्थित क्रक्षर में कर्मचारी के रूप में कार्यरत थे, विगत 28-2-2002 को मालिक द्वारा कामगार को छठनी किया गया अन्तिम हिसाब के समय दोनों पक्षों में नियोग तिथि को लेबर विवाद उत्पन्न हुआ कर्मचारी श्री जयनारायण पाण्डेय बिहार माईन्स एण्ड क्वारी वर्क्स यूनियन के माध्यम से L.E.O.(C) पाकुड़ के समक्ष विवाद उठाये, L.E.O.(C) पाकुड़ के समक्ष विवाद निपटारा नहीं हुआ। विवाद R.L.C.(C) पटना बिहार के समक्ष भेजा गया पर यहाँ भी विवाद का निपटारा नहीं हुआ वर्तमान में विवाद औद्योगिक अधिकरण सं. 2 धनबाद में चल रहा है परन्तु कर्मचारी विवाद की चलाना नहीं चाहता एवं आज दिनांक 23-10-2007 को प्रबंधक से बैठकर विवाद का निपटारा कर लिया है, समझौतानुसार कामगार का नियोग की तिथि 1-4-1988 तय किया गया एवं निम्न मद में अन्तिम हिसाब निकालकर कर्मचारी को भुगतान किया गया, कर्मचारी खुशी पूर्वक अपना अन्तिम हिसाब प्राप्त किया ।

काम की अवधि : 14 वर्ष 10 माह 27 दिन = 15 वर्ष x 15 दिन
x दर
60.00 रु.

1. छंटाई क्षति पूर्ति -- 13500 .00
2. ग्रैच्युटी ----- 13500 .00
3. नोटिस फे ----- 1560 .00
- (26 दिन का)

4. बोनस 2001-2002 3600.00

32160 .00

(कुल बत्तीस हजार एक सौ साठ रुपये मात्र)

प्रबंधन प्रतिनिधि का हस्ताक्षर कर्मचारी का हस्ताक्षर
Tulsi Pandey जयनारायण पाण्डेय
23-10-07 23-10-07

मैं श्री जयनारायण पाण्डेय पिता स्व. केष्टो पाण्डेय राजापाड़ा पो, जिला पाकुड़ झारखण्ड ऐसर्स मह्यान मिनरल कॉरपोरेशन राजबांध, मालपहाड़ी के प्रबंधक से आपसी समझौता द्वारा निकाला गया अन्तिम हिसाब का कुल राशि, बत्तीस हजार एक सौ साठ रुपये प्राप्त कर, बिना किसी दबाव या भय के अपना हस्ताक्षर दिया अब कम्पनी पर किसी तरह का बाकि -बकाया नहीं रहा ।

प्रबंधन प्रतिनिधि का हस्ताक्षर कर्मचारी का हस्ताक्षर
Tulsi Pandey जयनारायण पाण्डेय
23-10-07 23-10-07

कामगार श्री जयनारायण पाण्डेय, पिता स्व. केष्टो पाण्डेय राजपाड़ा पो.+जिला पाकुड़, झारखण्ड, ऐसर्स मह्यान मिनरल

कॉर्पोरेशन राजबांध, मालपहाड़ी झारखण्ड के प्रबंधक से आपसी सहमति द्वारा अपना अन्तिम हिसाब मेरे सामने तय कर कुल रकम प्राप्त किया ।

23-10-2007

मानिक दुर्बे, महा सचिव
नई दिल्ली, 11 मार्च, 2008

का.आ. 720.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोचीन रिफाईमरी इम्प्लाईज कन्ज्युमर को-आपरेटिव सोसाइटी लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोचीन के पंचाट (संदर्भ संलग्न आई. डी. 267/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-30011/23/1993-आई आर(एम)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 267/2006) of the Central Government Industrial Tribunal/ Labour Court, Cochin now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cochin Refinery Employees Consumer Co-op.Society Ltd. and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-30011/23/1993-IR(M)]
N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ERIAKULAM

PRESENT: Shri P. L. Norbert, B.A., LL.B.,
Presiding Officer

(Monday the 26th day of November 2007/5th
Agrahayana 1929)

I.D. 267 OF 2006

(I.D. 23/1995 of Labour Court, Eriakulam)

Union : The General Secretary, Cochin
Refinery
Employees Consumers Co-operative
Society Canteen Employees Union,
Ambalamughal.

By Adv. C. Anil Kumar.

Management : The President,
Cochin Refinery Employees
Consumer Co-operative Society
Limited,
Ambalamughal.

By Adv. Paulson C. Varghese.

This case coming up for hearing on 26-11-2007, this Tribunal-cum-Labour Court on the same day passed the following :

AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act regarding demand of union for 20% bonus and ex-gratia payment for the year 1992-93. When the matter came up for evidence, the counsel for the union filed a memo to the effect that the question of regularisation of canteen employees by Cochin Refineries is under consideration of Hon'ble High Court of Kerala in another I.D. (17/2006) and the present claim can be successfully established only after a decision in writ petition aforementioned. Hence the union has no objection in closing the reference without prejudice to the right of the union to raise the dispute after disposal of petition. It means that the union has no dispute for the time being.

In the result, an award is passed finding that there is no subsisting dispute for adjudication and the action of the management is not challenged for the time being and therefore the reference is closed without prejudice to the right of the union to raise the dispute again, if it chooses so, after the disposal of Writ Petition (C) No. 29022/2006 (against I.D. 17/2006). The award will come into force one month after its publication in the Official Gazette.

Typed, corrected and passed by me on this the 26th day of November, 2007.

P. L. NORBERT, Presiding Officer

Appendix—Nil

नई दिल्ली, 11 मार्च, 2008

का.आ. 721.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोची लिमिटेड के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोचीन के पंचाट (संरप्त भौत्ता आई. डी. 45/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-30011/34/2005-आई आर(एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 721.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 45/2006) of the Central Government Industrial Tribunal/Labour Court, Cochin now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Cochi Refineries Ltd. and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-30011/34/2005-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ERNAKULAM

PRESENT: Shri P. L. Norbert, B.A., L.L.B.,
Presiding Officer

(Wednesday the 14th day of November 2007/23rd
Karthika 1929)

I.D. 45 OF 2006

(I.D. I/2005 of Labour Court, Ernakulam)

Union : The General Secretary,
Cochin Refinery Employees
Association,
Ambalamughal, Kochi-682302.

By Adv. Sri. C.S. Ajith Prakash.

Management : The Deputy General
Manager
(HRD & IR),
Kochi Refineries Ltd.,
Ambalamughal, Kochi-682302.

By Adv. M/s. Menon & Pai.

This case coming up for hearing on 14-11-2007, this Tribunal-cum-Labour Court on the same day passed the following

AWARD

This is a reference under Section 10(1)(d) of Industrial Disputes Act. The reference is :-

“Whether the action of the management of Kochi Refinery Limited in not maintaining agreed manpower in the Welding Section is right ? If not what is the entitled relief?”

2. Though both sides entered appearance and filed their pleadings, when the matter came up for evidence the union submitted that they are not interested to go on with the dispute and they are not pressing the dispute. Thus there is no existing dispute for adjudication.

In the result, an award is passed finding that the action of the management of Kochi Refinery Limited, is not maintaining agreed manpower in the Welding Section is legal and proper and the union is not entitled for any relief.

Typed, corrected and passed by me on this the 14th day of November, 2007.

P. L. NORBERT, Presiding Officer

Appendix : Nil.

नई दिल्ली, 11 मार्च, 2008

का.आ. 722.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. चाऊगुले एवं कम्पनी, गोवा के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, मुम्बई के पंचाट

(कमलेन्ट सं.-सी जी आई टी-20/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-29025/2/2006-आई आर(एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 722.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. CGIT-20/2003) of the Central Government Industrial Tribunal/ Labour Court, No. 1, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Chowgule & Co., Goa and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-29025/2/2006-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT: Justice Ghanshyam Dass
Presiding Officer

Application/Complaint No. CGIT-20 of 2003
(arising out of Ref. No. CGIT-1/27 of 1996)

Parties : Mr. Narayan Hawlo Gaude Complainant
V/s
Chowgule and Co. Ltd. Opp. Party

Aparances :

For the Opp. Party : Shri R.N. Shah, Adv.
For the Complainant : Shri V.V. Pai, Adv.

State : Maharashtra.

Mumbai, dated this 1st day of September, 2006

AWARD

1. The workman Shri Narayan Hawlo Gaude has moved the instant application dt. 22-5-2003 under Section 33-A of the Industrial Dispute Act (hereinafter referred to as the Act). The prayer made therein is for withdrawal of the dismissal order and reinstatement with back wages and continuity of service. The ground for the claim is that Chowgule and Co. Ltd., Chowgule House, Mormugao Harbour, Goa (hereafter referred to as Company) in has violated the mandatory provisions of Section 33(2)(b) of the Act on account of pendency of the Reference CGIT-27 of 1996.

2. The application is being contested by the Company on several grounds taken up by it in its reply dt. 06-8-2003 *inter alia* on the pleas that there is no violation of the provisions of the Section 33(2)(b) of the Act and that the present complainant is now estopped from filing the present complaint on account of dismissal of his earlier complaint. The matter remained pending for one reson or the other. In

view of the legal pleas taken up by the Company, the learned counsel Shri V.V. Pai, for the Complainant moved an application dt. 17-7-2006 with a prayer that the maintainability of the present complaint may be considered first. It is surprising that such an application should have been moved by the Company taking up of the preliminary issue but the Company did not chose for it. Instead, the workman has moved the instant application.

3. The argument advaced by the learned counsel for the parties have been heard and the record is perused.

4. The following points arise for consideration, as prayed for by the learned counsel for the workman.

(1) Whether Section 33(2)(b) of the Industrial Dispute Act has been violated ?

(2) Whether the Complainant is now estopped from filing the present complaint ?

5. **Point No. 1 :** The Present complaint is being admittedly filed for violation of the provisions of the Section 33(2)(b) of the Act on account of pendency of CGIT Ref. No. 27 of 1996. Admittedly, the CGIT No. 27 of 1996 was pending before this Tribunal on the day of moving of the instant complaint under Section 33-A of the Act. The reference was decided vide Award dt. 29-3-2004. This reference was made by the Central Government under clause. (d) of sub section 1 of Section 10 of the Industrial Dispute Act 1947. For considering "Whether the action of the Managing director, Chowgule and Company Ltd., Chowgule House, Mormugao-harbour in straight-away discharging from servies of Mr. S.S. Nark, Ex-electrician Code No. 1937 as well as the General Secretary of the recognized Chowgule Employees Union w.e.f. 2-11-1995 is just, valid and legal ? If not then, what benefits the workman is entitled to ?"

Vide Award dated 29-3-2004, it was held that dismissal was bad and the workman was reinstated with back wages. It is clear from the perusal of the record that the reference was wholly with respect to the grievances regarding dismissal of the workman namely Mr. S.S. Naik who was working as Electrician with Code No. 1937 and was holding the post of General Secretary of the recognized Chowgule Employee's Union. This cannot be said to be in any stretch of imagination that the dispute was in between all the workmen and the Company, since the reference was only having the subject matter of the dismissal of a speciofic employee Mr. Nair. It is altogether immaterial that this workman was holding the post of General Secretary. The holding of post of General Secretary of the Union was in his independent capacity. It was not related with the job which he was required to perform as Eclectrician. The dismissal was made by the Company for a particular workman and not the General Secretary. The fact that the workman happened to be the General Secretary of the Union did not mean that there was dispute in between the workmen as a community and the Company. In this view

of the matter the present workman cannot be said to be concerned in any manner to attract the provisions of the violation of Section 33(2)(b) of the Act. The matter for consideration had come before the Honourable High Court of Orissa in the case of *Khagendra Prasad Patra Vs. D.T.M.S.T.S., Koraput and another* 1976 LAB I.C. 1260 and the Honourable High Court had held that *the mere fact that the petitioner workman was a member of the Union which had taken up the pending dispute of another workman will not make him a workman "concerned" in the dispute within the meaning of Section 33(1)(a). It is the dispute that the workman has to be concerned with and not only with the parties to the dispute. It is after ascertaining the nature of the pending dispute that the Court can reach the conclusion whether the workman is "concerned" with it or not.* No case law has been submitted by the learned counsel for the workmen to substantiate his arguments that the present workman was concerned in any manner with the pendency of the Ref. No. 27 of 1996. The necessity for compliance of Section 33(2)(b) of the Act was required for the Company only when there was a pending dispute in between the workman as a group and the Company involving the issues relating to general importance. The pendency of a dispute of a particular employee regarding his dismissal cannot be said to be a dispute relating to the workman as a whole. Hence, I conclude that there was no necessity for the Company to follow the mandatory provisions of Section 33(2)(b) of the Act and seek approval of its action regarding the dismissal of the present workman.

5. In this view of the matter the present complaint under Section 33-A of the Act is not maintainable.

6. Point No. 2 : The plea of the Company that the Complainant is estopped from filing the present complaint does not appear to have any force for the obvious reason that the previous complaint filed by the workman under Section 33-A of the Act was got dismissed by him vide application dt. 18-11-2002 wherein the prayer was for withdrawal of the Complaint with liberty to file a fresh complaint. The learned Presiding Officer allowed that application vide order dt. 28-1-2003. The order passed therein runs "*The learned counsel for the Complainant Shri V.V. Pai filed an application seeking permission to withdraw the complaint. The permission granted. Application is allowed*".

7. The learned counsel for the Company submitted that there was no specific order for granting liberty of filing a fresh complaint. He relied upon a case law AIR 1987 Supreme Court 88 in between *Sarguja Transport Service, Petitioner Vs. State Transport Appellate Tribunal, Gwalior and others* and submitted that the present complaint is barred by the provisions of the Order XXIII R.1 of Civil P.C. I feel that this ruling is not helpful on the facts and circumstances of the present case in view of the order of the Tribunal quoted above whereby the Tribunal allowed

the application with specific words "Permission granted". Hence, it does not lie in the mouth of the Company to say that present complaint is now barred. It may also be mentioned that the aforesaid complaint was being moved on account of pendency of the reference CGIT-49 of 1995 regarding the dismissal as of two different workmen by the Company to the workmen of the CGIT-27 of 1996. Hence, I conclude that the present application is not barred by Order XXIII R.1 of Civil P.C.

8. In view of the finding on point No. 1 the result is that the present complaint is not maintainable. It is accordingly dismissed.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 11 मार्च, 2008

का.आ. 723.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. चाऊगुले एण्ड कम्पनी, गोवा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रिम. न्यायालय सं.-1, मुम्बई के पंचाट (कम्पलेन्ट सं. सीजीआईटी 19/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-29025/2/2006-आईआर(एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 723.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. CGIT-19/2003) of the Central Government Industrial Tribunal/ Labour Court No. 1, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Chowgule & Co., Goa and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-29025/2/2006-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT: Justice Ghanshyam Dass,
Presiding Officer

Application/complaint No. CGIT-19 of 2003
(Arising out of Ref. No. CGIT-1/27 of 1996)

Parties :

Mr. Chandrakant Radaya Gaude : Complainant
Vs.

Chowgule & Co. Ltd. : Opp. Party

Appearances :

For the Opp. Party : Shri R.N. Shah, Adv.

For the Complainant : Shri V.V. Pai, Adv.
 State : Maharashtra
 Mumbai, dated this 1st day of September, 2006

AWARD

1. The workman Shri Chandrakant Radaya Gaude has moved the instant application dt. 22-5-2003 under Section 33-A of the Industrial Disputes Act (hereinafter referred to as the Act). The prayer made therein is for withdrawal of the dismissal order and reinstatement with back wages and continuity of service. The ground for the claim is that Chowgule and Co. Ltd., Chowgule House, Mormugao Harbour, Goa (hereinafter referred to as Company) has violated the mandatory provisions of Section 33(2)(b) of the Act on account of pendency of the reference CGIT-27 of 1996.

2. The application is being contested by the Company on several grounds taken up by it in its reply dt. 6-8-2003 *inter alia* on the pleas that there is no violation of the provisions of the Section 33(2)(b) of the Act and that the present Complainant is now estopped from filing the present complaint on account of dismissal of his earlier complaint. The matter remained pending for one reason or the other. In view of the legal pleas taken up by the Company, the learned counsel Shri V.V. Pai, for the Complainant moved an application dt. 17-7-2006 with a prayer that the maintainability of the present complaint may be considered first. It is surprising that such an application should have been moved by the Company taking up of the preliminary issue but the Company did not chose for it. Instead, the workman has moved the instant application.

3. The argument advanced by the learned counsel for the parties have been heard and the record is perused.

4. The following points arise for consideration, as prayed for by the learned counsel for the workman.

- (1) Whether Section 33(2)(b) of the Industrial Dispute Act has been violated ?
- (2) Whether the Complainant is now estopped from filing the present complaint ?

5. Point No. 1 : The present complaint is being admittedly filed for violation of the provisions of the Section 33(2)(b) of the Act on account of pendency of CGIT Ref. No. 27 of 1996. Admittedly, CGIT No. 27 of 1996 was pending before this Tribunal on the day of moving of the instant complaint under Section 33-A of the Act. The reference was decided vide Award dt. 29-3-2004. This reference was made by the Central Government under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act 1947. For considering "Whether the action of the Managing Director, Chowgule and Company Ltd., Chowgule House, Mormugao-Harbour in straight-away discharging from services of Mr. S.S. Naik, Ex-electrician Code No. 1937 as well as the General Secretary of the

recognized Chowgule Employees Union w.e.f. 2-11-1995. is just, valid and legal? If not then, what benefits the workman is entitled to ?

Vide Award dated 29-3-2004, it was held that dismissal was bad and the workman was reinstated with back wages. It is clear from the perusal of the record that the reference was wholly with respect to the grievances regarding dismissal of the workman namely Mr. S.S Naik who was working as Electrician with Code No. 1937 and was holding the post of General Secretary of the recognized Chowgule Employees' Union. This cannot be said to be in any stretch of imagination that the dispute was in between all the workmen and the Company, since the reference was only having the subject matter of the dismissal of a specific employee Mr. Nair. It is altogether immaterial that this workman was holding the post of General Secretary. The holding of post of General Secretary of the Union was in his independent capacity. It was not related with the job which he was required to perform as Electrician. The dismissal was made by the Company for a particular workman and not the General Secretary. The fact that the workman happened to be General Secretary of the Union did not mean that there was dispute in between the workmen as a community and the Company. In this view of the matter the present workman cannot be said to be concerned in any manner to attract the provisions of the violation of Section 33(2)(b) of the Act. The matter for consideration had come before the Honourable High Court of Orissa in the case of Khagendra Prasad Patra Vs. D.T.M.S.T.S., Koraput and another 1976 LAB I.C. 1260 and the Honourable High Court had held that *the mere fact that the petitioner workman was a member of the Union which had taken up the pending dispute of another workman will not make him a workman "concerned" in the dispute within the meaning of Section 33(1)(a). It is the dispute that the workman has to be concerned with and not only with the parties to the dispute. It is after ascertaining the nature of the pending dispute that the Court can reach the conclusion whether the workman is "concerned" with it or not.* No case law has been submitted by the learned counsel for the workmen to substantiate his arguments that the present workman was concerned in any manner with the pendency of the Ref. No. 27 of 1996. The necessity for compliance of Section 33(2)(b) of the Act was required for the Company only when there was a pending dispute in between the workmen as a group and the Company involving the issues relating to general importance. The pendency of a dispute of a particular employee regarding his dismissal cannot be said to be a dispute relating to the workman as a whole. Hence, I conclude that there was no necessity for the Company to follow the mandatory provisions of Section 33(2)(b) of the Act and seek approval of its action regarding the dismissal of the present workman.

5. In this view of the matter the present complaint under Section 33-A of the Act is not maintainable.

6. **Point No. 2 :** The plea of the Company that the Complainant is stopped from filing the present complaint does not appear to have any force for the obvious reason that the previous complaint filed by the workman under Section 33-A of the Act was got dismissed by him vide application dt. 18-11-2002 wherein the prayer was for withdrawal of the Complaint with liberty to file a fresh complaint. The learned Presiding Officer allowed that application vide order dt. 28-1-2003. The order passed therein runs "*The learned counsel for the Complainant Shri V.V. Pai filed an application seeking permission to withdraw the complaint. The permission granted. Application is allowed.*"

7. The learned counsel for the Company submitted that there was no specific order for granting liberty of filing a fresh complaint. He relied upon a case law AIR 1987 Supreme Court 88 in between Sarguja Transport Service, Petitioner Vs. State Transport Appellate Tribunal, Gwalior and others and submitted that the present complaint is barred by the provisions of the Order XXIII R.1 of Civil P.C. I feel that this ruling is not helpful on the facts and circumstances of the present case in view of the order of the Tribunal quoted above whereby the Tribunal allowed the application with specific words "Permission granted". Hence, it does not lie in the mouth of the Company to say that present complaint is now barred. It may also be mentioned that the aforesaid complaint was being moved on account of pendency of the reference CGIT-49 of 1995 regarding the dismissal as of two different workmen by the Company to the workmen of the CGIT-27 of 1996. Hence, I conclude that the present application is not barred by Order XXIII R.1 of Civil P.C.

B. In view of the finding on point No. 1 the result is that the present complaint is not maintainable. It is accordingly dismissed.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 11 मार्च, 2008

का.आ. 724.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं जावाहरलाल नेहरू पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय सं.-2, मुम्बई के पंचाट (संदर्भ सं.- सीजीआईटी -2/205/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-31011/4/1999-आईआर(एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 724.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/205/1999) of the Central Government Industrial Tribunal/ Labour Court No. 2, Mumbai now as shown in the

Annexure, in the Industrial Dispute between the employers in relation to the management of Jawaharlal Nehru Port Trust and their workmen, which was received by the Central Government on 11-3-2008.

[No. L-31011/4/1999-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : Shri A.A.Lad, Presiding Officer

Reference No. CGIT-2/205 of 1999

Employers in relation to the management of Jawaharlal Nehru Port Trust

The Chief Manager (Admn) & Secretary

Jawaharlal Nehru Port Trust

Administration Building

Nhava-Sheva

Navi Mumbai

Pin-400 707.

V/s.

Their Workmen

The General Secretary

Nhava Sheva Port & General

Workers Union

Port Trust Kmagar Sadan

Mazgaon

Mumbai-400 010.

Appearances :

For the Employer : Mr. L. L. D'Souza, Representative

For the Workmen : Mr. J.H. Sawant, Representative

Mumbai, dated, 25th January, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/4/99-IR(M) dated 7-10-1999 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of J.N.P.T. in not regularising the 15 contractual workmen (as per annexure) to union's letter performing the job of sweeping and cleaning work in the premises of JNPT, as demanded by Nhava Sheva Port & General Workers' Union is legal and justified ? If not, what relief the workmen concerned are entitled to ?"

(List)

Sr. No. Name

1. S/Shri Gajanan V. Mali

2. Arun Ganpat Vadu

3. Dnyaneshwar Dukalya Gharat

4. Jagannath Ramachandra Gharat
5. Smt. Jayawantibai Anant Patil
6. Shri Vasudeo Sitaram Gharat
7. Ramachandra Mahadeo Gharat
8. Chandrakant Padaji Patil
9. Jagannath Mahadeo Koli
10. Hiraman Krishna Patil
11. Namdeo Dharma Shelke
12. Ananta Vasant Mhatre
13. Jalindar Ramachandra Mhatre
14. Gangaram Laxman Madhavi
15. Damodar Atmaram Kadu

2. Claim Statement is filed by Vice President of union for second party at Ex-5 & 5A which was replied by first party by Ex-7 & 7A. Issues were framed at Ex-14.

3. On request of both, this reference was placed before Lok Adalat. In which they filed purshis Ex-28 and agreed to dispose of this reference as per the terms and conditions mentioned at Ex-28. Hence the order :

ORDER

In view of purshis Ex-28 filed by both in Lok Adalat, reference is disposed of.

Date: 25-1-2008

A. A. LAD, Presiding Officer

Ex-28

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

Reference No. CGIT-2/205 of 1999

Employers in relation to the management of
Jawaharlal Nehru Port TrustFirst Party
Vs.

Their Workmen represented by
Nhava Sheva Port & General Workers Union
....Second Party

Application for disposal of the Reference for want of
prosecution

May it Please Your Honour

The workmen represented by Nhava Sheva Port and
General Workers Union beg to apply for disposal of the
reference for want of prosecution and the dispute is not
pressed for.

Mumbai, Date : 25-01-2008

—Sd—

—Sd—

Presiding Officer

25-1-2008

—Sd—

[Jaiprakash Sawant]

Say of JNPT

Award may kindly be passed accordingly.

—Sd—

for JNPT

25-1-2008